DOCUMENT RESUME

ED 048 429 UD 011 403

TITLE	The Status of School Desegregation in the South, 1970. A Report.
INSTITUTION	American Friends Service Committee, Washington, D.C.; National Council of Churches of Christ, New York, N.Y.
PUB DATE	[Dec 70]
NOTE	122p.
EDRS PRICE	EDRS Price MF-$0.65 HC-$6.58
DESCRIPTORS	Civil Rights, Faculty Integration, Federal Programs, *Integration Effects, *Integration Plans, Negro Students, Negro Teachers, *Race Relations, *Racial Discrimination, *School Integration, Self Concept
IDENTIFIERS	American Friends Service Committee

ABSTRACT

In order to determine the quality and extent of school desegregation in the South, the authors of this report examined numerous desegregation plans accepted by the Federal government; monitors were sent to over 400 desegregating school districts. The investigators found that: (1) the government's figures on desegregated systems are misleading because individual schools often remain segregated; (2) often the burden has been placed on black schools and parents; (3) within "desegregated" schools, widespread segregation in classrooms and buses and relating to many of the extra-curricular activities still persists; (4) black teachers and staff have been dismissed or demoted; and, (5) the Health, Education and Welfare and the Justice Departments have accepted some desegregation plans which result in resegregation. Underlying these problems is the mistaken belief that desegregation is simply the mixing of black and white students and no more; little attention is considered to have been paid to the way in which student assignment has been effected, or to what happens to black students and faculty in such situations. The report itself is divided into discussion of school desegregation plans, in-school discrimination, and racial discrimination against black teachers and administrators. In particular, the investigation of the loss of black identity, black student reaction, and the assignment of teachers are dealt with. (Author/JW)

EDO 48429

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY.

The Status of School Desegregation in the South 1970

UD011403

A Report by the American Friends Service Committee; Delta Ministry of the National Council of Churches; Lawyers Committee for Civil Rights Under Law; Lawyers Constitutional Defense Committee; NAACP Legal Defense and Educational Fund, Inc.; and the Washington Research Project.

TABLE OF CONTENTS

INTRODUCTION 1

The Methods Used in This Study 7

CHAPTER I: SCHOOL DESEGREGATION PLANS 10

Segregated Schools in "Unitary" Systems. 10

One-Way Integration 20

CHAPTER II: IN-SCHOOL DISCRIMINATION. 28

A. Segregated Classrooms and Facilities. 30

1. Classroom Segregation 31

2. Testing 35

3. In-Class Segregation. 37

4. Segregated Facilities 38

5. Segregated Buses. 40

B. Racial Discrimination in Extracurricular Activities. 44

1. Discrimination in Social Activities. 46

2. Discrimination in Student Government and School Organizations 47

3. Discrimination in Athletics, Cheerleading, and Band. 49

C. Loss of Black Identity 52

1. Loss of Names of Former Black Schools. 52

2. Loss of Black Mascots, Songs, and Symbols. . . 54

3. Loss of Black Trophies 56

D. Accomodating White Parents and Students. 57

1. Repairing Former Black Schools. 58

2. New Dress and Discipline Codes. 60

3. Keeping Black Students "In Their Place". 62

E. Black Student Reaction. 63

CHAPTER III: RACIAL DISCRIMINATION AGAINST BLACK TEACHERS AND ADMINISTRATORS 74

A. Principal Dismissals and Demotions. 77

B. Teacher Dismissals. 85

C. Teacher Demotions. 87

D. Replacement of Black Teachers. 95

E. Other In-School Discriminatory Treatment of Black Faculty. 96

F. Assignment of Teachers. 97

FOOTNOTES 101

APPENDIX A 106

APPENDIX B 108

APPENDIX C 109

APPENDIX D 115

INTRODUCTION

On December 7, 1970, Secretary of Health, Education and Welfare Richardson said that "there are only 76 school systems among the 2700 in the entire South that have not carried out desegregation plans ... We know that 90.5 percent of all Negro children in the South are attending desegregated systems." 1/

These figures incorrectly imply that the job of desegregating southern schools is largely done. Some school districts did make remarkable progress, especially where local officials were determined to make the process as smooth as possible for students of both races. But overall, the process of desegregation is in imminent danger of failure if new and stronger policies are not devised and implemented at the federal level.

In order to determine the quality and extent of school desegregation in the South this year, the six organizations involved in this report* examined numerous desegregation plans accepted by the federal government, and sent monitors to over 400 desegregating districts. We found that:

1. The government's figures about desegregated systems are misleading for they conceal the fact that in many systems black and white children are still attending

* The American Friends Service Committee, The Delta Ministry of the National Council of Churches, The Lawyers' Committee for Civil Rights Under Law, The Lawyers Constitutional Defense Committee, The NAACP Legal Defense and Educational Fund, Inc., and the Washington Research Project.

segregated schools.

2. Even where black and white children have been assigned to the same schools, this has often been done by placing a disproportionate burden on black school children and parents.

3. Within "desegregated" schools, widespread segregation persists in classrooms, buses, and extracurricular activities. This type of racial discrimination is as damaging to the hearts and minds of black children as was the original system of separate schools.

4. Black teachers, principals, coaches and other staff have been dismissed or demoted from their former positions in massive numbers throughout the "desegregated" South. Apart from the obvious humiliation and economic distress to these black adults, this process is leading toward an all-white structure of authority in the southern public schools.

5. The assignment of faculty and staff has often been carried out so as to leave schools identifiable as black or white, in clear violation of prevailing legal standards and HEW guidelines.

6. The Departments of HEW and Justice have accepted some desegregation plans which will result in resegregation and which unnecessarily permit continuation of segregated schools.

Underlying these problems is the mistaken belief that desegregation is simply the mixing of black and white students in schools and no more. Little attention has been paid to the way in which student assignment has been carried out or to what happens to black students and faculty in "desegregated" schools. The latter concerns are sometimes viewed as "second generation" desegregation problems which, it is thought, will work themselves out after the "primary" task of mixing the bodies is accomplished.[2]

This attitude ignores the basic rationale of the Supreme

Court desegregation decision. The Constitution forbids, not just racial separation, but racial discrimination by school officials. While the maintenance of separate schools was the means through which black children were discriminated against before Brown v. Board of Education,[3] the basic injustice is the discrimination itself -- treating black children as inferior and denying them the status of equality because they are black.

If the discrimination inherent in a system of racially separate schools is merely replaced by a new system of racial discrimination within "integrated schools," little progress has been made toward the constitutional goal of racially nondiscriminatory public education. Indeed, face-to-face discrimination against black children may do more direct and lasting harm to their "hearts and minds"[4] than did the old systems of isolation and separation.

If face-to-face discrimination against black children is not dealt with immediately and forcefully -- treated as a constitutional violation of the same magnitude and urgency as the maintenance of racially separate schools -- there may never be a second generation for the process of desegregation.

Black students throughout the South are expressing a new attitude of dignity, self-reliance and impatience. Our contact with many of these students before and during this monitoring effort has convinced us that they are unwilling to endure continuing discrimination in their daily school lives. They know that they have been given an inferior education in separate black schools, and in many cases they do not see much improvement in "desegregated" education.

Lowanda Lovette, a black student from Rocky Mount, North Carolina, told a group of U.S. Senators:

> ...my experience -- in being in an integrated situation is like being in a hostile jungle. You can't really learn. You have to fight off the hostility, the racism, how can you even concentrate and study?"

And Anita Kleinpeter, a black honor student from Lake Providence, Louisiana, reiterated:

> You feel like you are nothing, like you don't have any say-so about anything because if you say it, you are not heard. You feel like you are nothing, you don't have any kind of voice at all ... After I got over there [in the "desegregated" school] I was under so much pressure, I just didn't even care if I made it or not. It didn't make any difference. I just gave it up." 5/

Black students are neither separatists nor integrationists. They want to be treated as human beings, and they want to be given a decent education. When they receive neither equal treatment nor equal education under "desegregation," they will

protest and the nation will see southern schools breeding even worse hostility and bitterness than in the past.

That outcome would be a great comfort to those who have opposed school desegregation all along; they will contend that desegregation has been tried and failed -- just as they predicted. But in truth, where only one part of the process of desegregation -- the mixing of bodies -- is regarded as the whole process, genuine desegregation has not really been tried at all.

Only the federal government can enforce the achievement of racially nondiscriminatory integrated education. Southern school officials will not spontaneously give fair treatment to black children in the schools under their power, any more than they spontaneously abandoned the system of separate schools after Brown was decided. Federal desegregation plans must deal with problems of black children within desegregated schools in as great detail as they have come to deal with problems of student and faculty assignment to schools. And those plans must be enforced, with widespread on-site monitoring, and with swift, decisive action against violations.

While the tone of much of this report is critical, it is not adopted in a spirit of recrimination or hostility, but out of our belief that the problems discussed must be solved -- and solved quickly -- if this nation is to have any hope of becoming

a just and equal multi-racial society. The seeds of the problems lie deep in the past -- in the history of slavery and legalized segregation, and in the failure of the national administrations since 1954 to fulfill the promise of the Brown decision. Our point is not that the problems of incomplete desegregation are easily dealt with by the national government, but that they must be dealt with by someone, and that only the national government has the power and resources to do the job.

We therefore recommend that:

--The federal government secure through the courts and the Title VI machinery desegregation plans which produce school systems without black schools or white schools, but just schools.

--In formulating desegregation plans, the federal government ensure that the burdens of desegregation be borne by black and white equally, and that physically sound black school buildings be used rather than closed.

--The federal government mount a major national enforcement effort against in-school segregation and other forms of discrimination against black children in public schools, using both the courts and the sanction of federal fund cutoffs provided by Title VI of the Civil Rights Act of 1964. In particular, that the Department of HEW publish

and enforce the memorandum prohibiting particular discriminatory practices against students which it prepared and promised to release last summer.

--The federal government enforce, through the courts and through Title VI fund cutoffs, existing legal standards prohibiting discrimination in the hiring, firing, promotion or demotion of black principals, teachers and other school staff. In particular, that the Department of HEW release and enforce the memorandum prohibiting particular discriminatory practices against teachers which it prepared and promised to release last summer.

The Methods Used in This Study

The organizations which prepared this report obtained desegregation plans for most of the school districts desegregating under voluntary plans accepted by HEW, and under court orders in which the United States was a plaintiff. We analyzed these plans to determine the extent of student desegregation which would be achieved if they were implemented.

We then monitored at the local level 467 districts, or roughly three-quarters of the districts desegregating this fall under HEW plans or Justice Department court orders. We did include, however, 79 districts in Alabama which are desegre-

gating under court orders in a statewide suit brought by private plaintiffs, but in which the United States has intervened as co-plaintiff.

The monitoring effort was largely carried out between September 18 and September 27, 1970, under the direction of our staffs and with the assistance of the staff of the National Urban Coalition. The largest group of monitors were volunteer lawyers, working under the auspices of the Lawyers' Committee for Civil Rights Under Law. Other monitors included our own staff; citizens of the school districts monitored; students from Bishop College, Dallas, Texas; Fisk University, Nashville, Tennessee; and Virginia State University, Petersburg, Virginia.

All monitors used a uniform information form, developed by the sponsoring organizations, to record the data they collected. The form sought information on student and faculty assignment to schools within the district; on dismissals and demotions of teachers, coaches and principals; on discrimination against black students in classes, extracurricular activities or discipline; on closings, repairs and renamings of schools; and on other matters germane to the process of desegregation.

Monitoring activities in each state were coordinated by an

individual with long experience both in school desegregation matters and in working with southern communities. Each state coordinator conducted a training session for the monitors working within his state before they went into the field. Great stress was placed upon techniques of objective data collection, with emphasis on interviewing persons with different points of view in the community, blacks and whites, school administrators, principals, teachers, parents and students. In each case, monitors were instructed to seek an appointment with the school superintendent or his representative, and to attempt to obtain access to official school records of student and faculty assignment and similar hard data. In reporting information, monitors were instructed to distinguish between rumors and "what everybody knows" on one hand, and eyewitness reports and data from official records on the other.

The data thus obtained was collected centrally and analyzed by our staffs. Statistical breakdowns were made where appropriate, and the illustrative examples used in the report were selected.

We have set forth the facts as our monitors found them in late September; our resources have not permitted updating of our information. Thus in some districts, conditions and practices reported here may have been corrected by the time this report appears. On the other hand, illegal or discriminatory practices may have arisen since our monitors visited the districts involved in this study.

CHAPTER I

SCHOOL DESEGREGATION PLANS

Segregated Schools in "Unitary" Systems

Justice Department and HEW officials claim that over 90 percent of southern black children now attend school in "unitary" systems.

Before 1970-71, the Department of HEW measured desegregation progress by the percentage of black children attending desegregated schools. This year, the government has arrived at a success figure by measuring the number of black children attending desegregated or unitary school systems. This is a significant difference. A school system, under this administration's view, can be "unitary" and yet consist of largely segregated schools.

In examining the student assignment plans accepted by the Department of Justice and HEW for this school year, we found that:

> desegregation plans were accepted which left many black children in segregated schools; and
>
> many of the plans, while resulting in desegregated student bodies, have often done so by placing a disproportionate burden on black parents and children,

through closing black schools and busing only black children to formerly white schools while leaving whites in their former schools.

For example, Richland County #1 (Columbia), South Carolina is 48 percent black. Under this district's plan as accepted by HEW, over half (52 percent) of its black children are attending schools over 90 percent black. Nearly a third of its black students remain in 12 all-black schools. And about a fifth of its white students attend schools more than 90 percent white.

Private plaintiffs brought a desegregation suit against Caddo Parish, Louisiana, which includes the city of Shreveport. The district has about 60,000 students, 45 percent of whom are black. The Justice Department intervened in the suit and educational experts from the Department of HEW prepared a desegregation plan which would have produced a biracial student body in each school through the use of some interzone busing. The Department of Justice refused to support HEW's experts, and required them to redraw the plan and eliminate most of the busing. The government's redrafted plan would have left a number of all-black schools. Simultaneously the school board devised a plan which left the city schools substantially segregated, particularly at the elementary school level. The court accepted the school board plan. No appeal was taken by the government. Under the

plan as accepted, 22 of the 78 schools in the system are more than 80 percent black, and most of them are over 90 percent black. Of the 41 elementary schools in the city of Shreveport itself, twelve, serving 69 percent of the black students, are over 95 percent black.

The government has also accepted many plans in small districts which have left identifiable "white" and "Negro" schools.[1/]

Camden, Arkansas has only 2,919 students, about 53 percent of them black, and only four elementary schools. Under the desegregation plan accepted by HEW, two of those schools are predominantly white, one is predominantly black, and one is all-black.

Sheffield, Alabama has 2,872 students, only 727 of whom (25 percent) are black. Two-thirds of its black elementary school children attend schools projected to be over 90 percent black under the court order, an order not appealed by the Justice Department. The racial makeup of the schools under freedom of choice was about the same as it is now under the "unitary" plan.

In Humboldt County, Tennessee, there are 2,833 students, 43 percent of whom are black. Under the court ordered desegregation plan, not appealed by the government, 88 percent of the black elementary school students attend a school which is 83 percent black. The other two elementary schools remain virtually all-white.

Amory, Mississippi has only 1,686 students, 39 percent of them black. Under the HEW-accepted plan, the first and second grades are zoned in such a way as to be almost entirely segregated.

In midsummer, the Department of Justice announced that it was suing a number of holdout districts which had refused to desegregate voluntarily. It appears, in these cases, that the government was willing to accept almost anything that could be called a desegregation plan.

South Park and Port Arthur are two East Texas school districts "desegregated" in Justice Department suits during the late summer. In each case, the desegregation plan ordered by the court and accepted by the Justice Department (no appeals were taken) left the system of dual segregated schools virtually untouched. In South Park, a 33 percent black district, the court-ordered plan left 69 percent of the black children in schools more than 80 percent black. In Port Arthur, at least 78 percent of the black children were left in schools more than 80 percent black although the district is only 42 percent black. A leader of the black community described the school district as "in worse shape than we were before."

Harrison County, Mississippi was another late suit district. With 8,214 students, only 28 percent of them black, HEW experts proposed clustering one potentially

black elementary school with two predominantly white schools. The court rejected this, and the Justice Department did not appeal. As a result, 72 percent of the black elementary school children are in an all-black school.

Florence County #1, South Carolina was also sued late. Though the district is 41 percent black, the plan adopted left two-thirds of the black elementary school children in schools over 80 percent black. One junior high school is 78 percent black, and one senior high school is 76 percent black. The plan assigned substantial numbers of black children to the formerly white schools after closing a black school and busing black children. Angry protest in the black community has forced the school superintendent to promise that a genuine two-way plan of integration will be worked out before next year.

A late summer suit against East Tallahatchie, Mississippi produced the most bizarre desegregation plan of the year, embodied in a consent decree entered into by the school district and the Department of Justice. This is a small district of 2,700 students. It is slightly over 60 percent black.

The plan provides for a single "attendance center" for grades 7-12, made up of the former black and the former white high school. At each grade level, some courses are offered at one school and some at the other, and students are bused back and forth between the two "campuses."

At the elementary school level, the district is divided into two zones. One zone produced a school projected to be about 84 percent black, but when our monitor visited the district after school opened, the school turned out to be all-black.

The other elementary zone is served by a single "attendance center," made up of three schools. Each elementary student in that zone spends part of his school day at each of three schools, and of course spends another large part of the day riding around between the schools in a school bus.

This astonishing plan was apparently adopted in an effort to appease the local white community. White parents would not stand for their children attending formerly black schools for the whole day, but could tolerate them passing through these schools in the course of a bus shuttle tour each school day.

The attached table shows other desegregation plans

accepted by the government under which substantial numbers of children are attending segregated schools.*

---

*In the table, we list the number of students in each school district, the percentage of black students, and the number of black schools left by the plan (defined as schools over 80 percent black), along with the percentage of the total black children in the district attending these schools.

District	School Population	Percent Black	Number of Black Schools	Percent of Black in Black Schools
Gadsden, Ala.	11,648	27	4	35
Hendry Co., Fla.	3,072	27	1	47
Marion Co., Fla.	16,365	36	5	43
Avoyelles Parish, La.	9,658	37	3	62
Laurel, Miss.	6,083	48	3	45
Hattiesburg, Miss.	7,895	45	4	43
New Bern, N.C.	5,900	36	3	50
York Co. #3, S.C.	12,796	25	2	35

The districts listed in the table are majority white. We also found seriously segregated schools in majority black districts under plans accepted by HEW or the Justice Department. For example:

Selma, Alabama has 6,653 students, 55 percent of whom are black. Eighty percent of the 1,968 black elementary school children are in four schools over 90 percent black, while 55 percent of the white elementary school children are in two schools over 90 percent white.

In Decatur, Georgia, there are 3,980 students, 62 percent of whom are black. Sixty-five percent of the black elementary school students are in four schools over 90 percent black, while 53 percent of the white elementary students are in three schools over 90 percent white.

Georgetown, South Carolina has 10,204 students, 58 percent black. Thirty-five percent of the black students in the districts are in five substantially all-black (more than 95 percent) schools.

And, Nansemond County, Virginia has 10,259 students, 62 percent black. Forty percent of the black elementary school children attend a large all-black "attendance center" made up of three schools.

The Nixon administration has consistently underdefined the legal requirements of school desegregation. This is reflected in acceptance of desegregation plans like those described above which we believe fall short of constitutional standards and which, we fear, will shortly result in resegregation.[3/]

Not only has the Administration policy meant weak desegregation plans in districts under government suit or HEW plan, but we believe it has influenced federal courts generally to adopt plans leaving serious pupil segregation in cases brought by private plaintiffs. For example, the Fifth Circuit Court of Appeals adopted a plan for Orange County, Florida -- in a decision often referred to with approval by Administration spokesmen[3/] -- which left the schools heavily segregated.

Orange County is a large school district which includes the city of Orlando. It has 85,270 students, only 17 percent of whom are black. Under the court-ordered desegregation plan, just over half of the more than 15,000 black students are attending schools more than 80 percent black. At the same time, 12 schools are all-white and 35 have fewer than a dozen black students.

One-Way Integration

In the districts our monitors visited, the greatest single source of anger and protest in the black community was the closing of physically adequate black schools. Often plans permitting closing of adequate black schools lack any educational or administrative justification. Few school districts enjoy excess classroom space, and closing black schools necessarily means overcrowding of the schools left open. Mobile classrooms must be purchased, or expensive and wasteful permanent additions made to formerly white schools in order to relieve the overcrowding. At the same time, the former black schools are converted to warehouses or administration buildings or vocational educational education centers, or even are sold to private interests.

In practical terms, this kind of plan means that black students must travel to another part of town to attend school, while no corresponding burden is placed on whites, who continue to attend their old schools in their own neighborhoods. Blacks lose a familiar and much-needed meeting place and social center. Worst of all, the closings of adequate black schools are insulting acts of racism. White parents cannot tolerate their children

attending schools once set aside for blacks, and school policy is set according to these prejudices, with little concern for the feelings of black parents.

Our monitors found that 163 school districts closed a total of 235 black schools in 1970. Of the 188 closed schools whose age we could determine, 57 percent were less than 20 years old. Of the 153 schools whose condition we could determine, 51 percent were in good and 21 percent in fair condition. At least 43 of the closed black schools had new additions or improvements built in the last five years. In at least 34 districts, black children who had formerly attended the closed schools were sent to schools that are in worse condition. At least 41 of the districts which closed black schools were left with overcrowded conditions in their remaining schools, and another 28 of them purchased new mobile classrooms at the same time as they closed formerly black schools.

These figures on black school closings refer only to schools closed for the 1970-71 school year. Our monitors also found 55 black schools closed in 1969-70, and 94 more closed in the preceding three years.

Over the same period, only 69 white schools in 49 districts were closed, 47 of them in 1970. Of the closed white schools whose age our monitors were able to determine, 76 percent were over 30 years old. None were less than 10 years old and 60 percent of them were in poor condition.

The statistics make clear the discriminatory pattern. White schools are closed when they wear out or fall apart; black schools are closed when the coming of desegregation creates the threat that white children may have to attend them.

Closely linked to the closing of black schools is the disproportionate busing of black children. When black schools in black neighborhoods are closed, the children who attended them are typically bused to formerly white schools in white neighborhoods. Our monitors were asked to determine in each district whether desegregation meant less, the same, or more busing for black and white students respectively. They found that the disproportionate burden fell on the black children. Black children were bused more after desegregation in 49 percent of the districts on which information was obtained; white children were bused more in only 24 percent of the districts. White children were bused less in 14 percent; black children were bused less in only 6 percent.

A district which typifies the one-way integration problem is Gulf County, Florida. Here the Justice Department filed suit during the summer of 1970, in a late attempt to meet the 1970-71 deadline for final desegregation. Educational experts from HEW prepared a desegregation plan for the court which involved the busing of about 200 children, many of them white. The judge rejected this plan on the ground that it involved "too much busing." Local school officials then submitted a plan which involved closing the black school and busing black children who attended it. Although the plan involved much more busing than the HEW plan which the judge had rejected, the judge accepted it. The black school which was closed was an adequate facility while at least two of the formerly white schools to which the children were to be bused are inferior -- one of them, in fact, is in a condemned building. The Justice Department did not appeal the decision.

The local black community was outraged at the rejection of a plan which would have bused a few white children to a formerly black school and the acceptance of a plan which closed a good black school and bused far more black children. They organized a 95 percent effective boycott of the schools to

protest the plan. A local private attorney then worked out a partial compromise, alleviating the features of the plan most offensive to the black community.

Similar boycotts have taken place in other districts. Often, the press has reported these protests as black opposition to desegregation itself or to busing itself. Our monitors found this an inaccurate reflection of the blacks' attitudes. Blacks have supported desegregation plans which involved busing as long as busing has been evenhandedly required for blacks and whites. It is the disproportionate burden in accomplishing desegregation that blacks reject. For example, no black protest against busing has been reported from Charlotte, North Carolina, one of the few southern cities to be operating a genuine two-way integration plan.

In Baker County, Florida, the newest school in the district was a black elementary school built in 1957. Under the desegregation plan adopted, it was closed, and black students were sent to a physically inferior formerly white middle school. Because of the consequent overcrowding, the district bought new mobile classrooms, paid for with federal Emergency School Assistance money appropriated by Congress to finance special projects designed to achieve successful desegregation.

In Coosa County, Alabama, a new high school was built about eight years ago for black students. It was clearly the best facility in the county, and was apparently designed to entice blacks to remain segregated under a freedom of choice plan. With desegregation this year, the court plan provided for closing the black high school. The district is now engaged in extensive renovation of the formerly white schools in an effort to bring their physical condition up to that of the closed black school.

In Smith County, Mississippi, the black high school was closed although it was in good condition. Bad overcrowding has resulted in one of the three formerly white, now integrated, schools, and officials are planning to buy mobile classrooms to relieve the overcrowding, possibly with a federal "desegregation grant."

Richmond County, North Carolina closed three black schools in fair to good condition (15 to 22 years old). Some black children have been sent to inferior formerly

white schools. Overcrowding is being relieved by mobile classrooms, purchased with federal Emergency School Assistance money.

In Pickens County, South Carolina, the two black schools were closed. Yet one of the formerly white schools left open is in such bad condition that it cannot meet state certification standards. One of the black schools closed was only a block away from a white neighborhood and could easily have served as an integrated school. A black boycott ensued at the beginning of the school year. Berkeley, South Carolina also closed two black schools in good condition. It then purchased 25 mobile classrooms to relieve the resultant overcrowding, and at least one school is now on double sessions because of overcrowding.

In Lexington County #3, South Carolina, a black high school with 36 classrooms and a new gym was closed. The district subsequently borrowed $100,000 to purchase and renovate another building to replace it. The formerly black school will be reopened as a vocational school after the district builds a new high school building.

HEW gave school officials in Lauderdale, Tennessee the option of closing a relatively new black elementary school or integrating it by zoning into it the white children who live along the bus route which served it. They chose to close the school and sold the building for use as an all-white private school.

In Nacogdoches, Texas, both the black senior high school and junior high school were closed, because, as the superintendent said, "citizens wouldn't stand for" keeping them open. The high school is used for storage, a maintenance shop, and a staff office. A black school in the heart of the black community in Lufkin, Texas was closed while white schools in no better condition were left open. The black community is upset by the closing -- and by the school board's plan to sell the building to a private industry which will bring traffic and pollution into their neighborhood.

If desegregation is to work it must be a <u>fair</u> process. No longer can only the sensitivities of the white community be regarded. By accepting plans which place undue burden on blacks, the Departments of Justice and HEW are continuing to condone racial discrimination.

CHAPTER II

IN-SCHOOL DISCRIMINATION

" ... From an educational standpoint what matters most is not the integrated school but the integrated classroom."

Richard M. Nixon
May 21, 1970

" ... in-school segregation is a violation of the Constitution and represents a failure to fulfill desegregation plan requirements."

HEW Secretary Elliot Richardson
August 6, 1970

Racial discrimination within "desegregated" schools is a widespread practice in southern school districts. Many districts are continuing segregation within classrooms, on buses and in extracurricular activities. They are also destroying all symbols of black identity and pride. The result has been to subject black students to experiences as degrading and dehumanizing as were encountered in the old dual system of totally separate schools.

That black students are meeting a wide variety of unequal treatment in desegregated schools is neither new nor unknown by the federal government. Most of the groups participating in this report alerted officials within HEW that in-school discrimination was serious and had to be dealt with before the 1970-71 school year.[1] Twelve black students came to Washington and met on June 10 with Mr. Stanley Pottinger, Director of the Office for Civil Rights of HEW. A week later, five of them testified before the Senate Select Committee on Equal Educational Opportunity (hereinafter referred to as "the Select Committee"). They presented dramatic and moving testimony of their experiences in desegregating schools and reported the humiliation and harrassment they suffered in classrooms and cafeterias, on school buses and football fields, from white teachers, administrators and students. They indicted the federal government for allowing such conditions to exist under the guise of "school desegregation" and asked that immediate and strong federal action be taken to prevent such treatment.

Similar concerns were voiced within the federal government as well. A civil rights specialist in the Department of Health, Education and Welfare cautioned as early as last spring against the type of desegregation which would be

"even worse than segregated schools ... worse for the black child because he can see from his classroom window that he is being discriminated against. In the past, at least he wasn't exposed to the indignity of watching the discrimination."[2]

In August, Mr. Pottinger told the Select Committee that the administration planned to "issue in the near future a memorandum outlining the nature and extent of the legal responsibilities of school administrators with respect to their academic and extracurricular programs, events and activities."[3] But on October 1, 1970, he said that the in-school discrimination memorandum had been "abandoned as unworkable."[4]

A. SEGREGATED CLASSROOMS AND FACILITIES

Federal law prohibits discriminatory action on the basis of race, color, or national origin by recipients of federal financial assistance, including "the provision of services."[5] Assistant Attorney General Jerris Leonard recently stated that "practices such as racially segregated seating within schools are clearly unlawful. These violations of constitutional rights cannot be permitted to exist, and

will not be permitted to exist." Segregated classrooms would be "superficial," he added, and "extremely harmful to children."[6/]

For all these impressive words, our monitors found 273 cases of segregation within the 467 "desegregated" school districts visited. The most commonly reported form of segregation was placement of white and black students in separate classrooms.

1. Classroom Segregation

Our monitors found segregated classrooms in 123 districts. Many school districts made no apparent attempt to justify the separation.

> In McCormick, South Carolina, it was reported that black teachers were given rollbooks marked "all Negro," and that for a time after school opened, some classroom doors were marked "Negro only." At Plum Branch Elementary, there are three all-black homerooms. At McCormick Elementary, there are eight totally black classes and, with the exception of two special education teachers who have one white student each in their classes, no black teachers at the school teach white students.

Jefferson County, Florida divided the seventh grade special science program at Howard Academy into two classes -- one all-white with a white teacher, the other all-black with a black teacher.

St. Johns County, Florida conducted segregated health education classes at Hastings High School; and England, Arkansas segregated its high school physical education classes.

High school classes and homerooms have been completely segregated in Irwin County, Georgia; study periods have been abolished and the time between classes has been cut from five to seven minutes to only two minutes, to avoid interracial contact.

Linden, Alabama, has a 90 percent black student population in the public schools. School officials announced in August that low-income parents "who would like for their children to have free lunches, dental care, medical screening, optical care and participate in other services offered by 'Title I' should register at the former black Austin Elementary School," a facility still all-black. Black students who do attend "desegregated" Linden Elementary are in segregated classes. Grades seven through twelve are housed at the former black Austin High School, but the former white Linden High School is being used "to meet individual needs and to relieve the class load at Austin." Black students are bused to Linden High for segregated physical education and vocational

agriculture classes, but then return to Austin, which is still all-black, for the rest of their classes. No black students have been admitted to the college preparatory classes at Linden.

Lauderdale County, Tennessee has segregated classes for the educable mentally retarded at Hennings Elementary, Hennings Primary, and Ripley High School.

In some majority black districts, white students are concentrated in a few classes, leaving the rest of the classes all-black.

> In Calhoun County, Georgia, nine or ten white students have been grouped together in each of several classes of 30 students; the remaining classes are all-black. The superintendent explained that "because of overwhelming black majorities," he did not spread white students evenly over all classes, because there would have been only two or three whites to each class.

> Two thirds of the elementary students in Crawford County, Georgia are black. Many of them attend all-black classes, because the school board did not want one race (i.e. whites) to feel "outnumbered."

> Washington County, Georgia has a standing rule that there must be at least ten white students in any desegregated class. Since the student body is over 75 percent black, this means that some classes are still totally segregated.

In Putnam County, Georgia, principals were instructed not to permit the minority race in any classroom to be less than approximately 25 percent of the class. The student body is two to one black and, as a result of this official policy, some classes are all-black.

In Bradley County, Arkansas, when white parents complained about their children being a minority in all three first grade classes, one class was made all-black. The whites are concentrated in the other two, one of which is now majority white.

We also found school districts where black students were segregated in separate portable units.

In Katy, Texas, the black Educable Mentally Retarded class is placed in one mobile unit, and the white class in another.

While all students attend the same school in Junction City, Arkansas, only black students have been placed in portables. The "overflow" of black students has been sent to the main building with white students, but some have to sit on the floor because there are not enough chairs.

Some school officials claim that segregated classes have occurred because students have selected them. This is irrelevant. School officials have obviously allowed such resegregation and are therefore responsible for it.

In Dillon County #1, South Carolina, some elective courses in high school are segregated, because of "differential ethnic group appeal," school officials say.

In Clay County, Georgia, all classes are segregated, because students were given their choice of teachers. Black students ended up with black teachers, and white students with white teachers.

2. Testing

Thirty-five percent of the high school and 60 percent of the elementary school classroom segregation which we found is defended on the basis of tests, usually administered for the first time with desegregation. Higher tracks are predominantly white, and lower tracks are invariably all-black; black pupils are assigned to vocational and remedial classes. Typically, lower track and non-academic classes are taught by black teachers, and higher track or college preparatory classes are taught by white teachers.

Local school officials defend such testing on "educational" grounds. However, federal officials have declared

a policy against practices "including testing" which "result in" the isolation of black and white children.[7] But it persists.

In Edgefield, South Carolina, high ability groups in high school are predominantly white, even though the school is 70 percent black, and the classes are small so that students receive much more teacher attention. Last spring, as part of its proposed "desegregation" plan, the school district tried to use tests to assign a large percentage of black students to a separate "experimental" elementary school. When 80 percent of the black students boycotted the test, HEW refused to accept the plan. However, those students who did take the tests apparently have been placed in black low-ability classes in the desegregated elementary schools this year.

Barnwell County #19, South Carolina used funds from Title I of the Elementary and Secondary Education Act to test students for ability groupings for the first time this fall. The superintendent admitted that the testing would result in segregated classes.

In Fordyce, Arkansas, tests resulted in tracking and in segregated classes. Whites who tested into the lower tracks have been transferred out of those classes because, according to school officials, there were "too few to put them in with blacks."

In Atlanta, Texas, seventh and eighth grade students were tested for placement, but only blacks were placed in vocational classes, and they are given no remedial training in order to move out of those classes into the academic program.

Gates and Hertford Counties, North Carolina used tests for the first time to assign high school students. Most slow groups are all-black, while the accelerated groups are predominantly white.

3. <u>In-Class Segregation</u>

Our monitors found 40 school districts segregating students within classrooms. In some of these districts, such segregation was described as "voluntary," because students selected their own seats. However, school officials have condoned such seating arrangements and must assume responsibility for resulting resegregation. In other districts, school officials imposed segregation in classrooms.

In Anderson County #5, South Carolina, for example, a high school history class has all black students on one side of the room and all white students on the other, with a row of empty desks down the middle.

Chalk boards have been placed down the middle of a high school classroom in Carthage, Texas, to separate black and white students.

In San Augustine, Texas, the Educable Mentally Retarded classroom has been partitioned. White students and a white teacher are on one side of the room and black students and a black teacher are on the other. Other elementary school teachers in San Augustine put white students in the front of the room and black students in the back, with the boys on one side of the room and the girls on the other.

Jones County, Mississippi teachers assign students to seats in their classrooms on the basis of race. In some classrooms black students sit in the back and white students in the front; in others, blacks are on one side of the room, and whites on the other.

In Laurens County #56, South Carolina, high school students are required to designate on their homeroom papers whether they are white or black.

4. Segregated Facilities

We discovered 21 districts with segregation in facilities outside of the classroom. These were usually segregated cafeterias or lunchrooms, although instances of segregation in dressing rooms and recreation areas were also found.

In Martin County, North Carolina, students and teachers are segregated in the elementary school lunchroom. If a student is absent, no one else is allowed to take his or her assigned seat.

In Greenwood County #52, South Carolina, students at first were allowed to segregate themselves by race in the lunchroom. Now, strong arguments arise if any student tries to break down those "color lines."

White and black students in Jefferson, Texas change for physical education classes in separate dressing rooms. And, in Fitzgerald City, Georgia, black and white girls in at least one physical education class are assigned to separate showers.

Alexander City, Alabama has segregated recreation areas. Black students use Laurel High School's facilities, which include one gym, one activities area, a black and white television, and a small room with straight chairs. White students use the facilities at Alexander City Junior High with two swimming pools, three gyms, a large activity room, a color television, and a large room with sofas.

In Henry County, Alabama, it is alleged that black teachers and black students and white boys use the same lavatories, while others are "reserved" for white teachers and white girls only.

5. Segregated Buses

In considering segregated transportation, we excluded cases where black and white students rode separate buses because they lived in separate geographic areas, although closer examination of many of these cases might well reveal that segregated buses are unnecessary. Nevertheless, our monitors found 89 districts with segregated buses resulting from obvious discriminatory practices. The most common practice is simply to duplicate routes, with all black students on buses with black drivers, and white students on other buses with white drivers.

> Such segregated busing by duplicate routes was found, for example, in Miller, Randolph, Terrell, and Echols Counties, Georgia; Jones County, Mississippi; and Brownsville-Haywood, Tennessee.

> In Bradford County, Florida, where only 24 percent of the student body is black, 95 percent of the transported black students ride predominantly black buses.

Duplicate routes usually mean inefficiency. Some children (most often black) ride overcrowded buses while others are underutilized. Often they must ride for a

longer period of time than would be necessary if each bus driver picked up all of the children along a logical route, regardless of race.

In Union County, South Carolina, buses with four or five white students are reported on the same routes as overcrowded all-black buses.

In Atkinson County, Georgia, black children "look like sardines" on the buses, while white children ride eight or ten to a bus. The same conditions were found in Harris, Turner, Marion, and Wilkinson Counties, Georgia.

In Sumter County, Florida, one black bus makes two and three trips twice a day to two schools, while white buses make only one. The junior high school (grades 1-8) is dismissed an hour and a half before the senior high; black students must wait for the rest of their bus load for nearly two hours, while a bus leaves right after school to take the white junior high school students home, going right by many black students' homes on the way.

In Daleville, Alabama, a bus delivers a load of black children to school an hour before classes begin in the morning; then it goes back for the white children, who arrive as school starts. In the afternoon, the bus takes the white children home first, and then comes back to pick up the black students.

In some districts, particularly in Georgia, school officials claimed that they would "do something about" their segregated duplicate routes, but many other districts' officials indicated no intention of changing busing patterns. Schley County, Georgia's superintendent, for example, interpreted the court order as not requiring integrated busing and refused to do anything about it until the court specifically ordered him to do so.

Some school officials attempted to defend segregated buses as necessary "to avoid fights and discipline problems which will occur on integrated buses."

> The superintendent in Monroe County, Georgia says he has to segregate buses "to avoid trouble." Bus drivers are not qualified to handle the difficulties which might arise, he contends.
>
> And in Taylor County, Georgia, according to the superintendent, segregated buses are necessary because "some black drivers do not have the ability to discipline rowdy white kids."

Occasionally, we found that bus drivers or students and their parents had tried to change such policies, without success.

Thus, in Wilkes County, Georgia, black drivers have been told they were not allowed to pick up white children. The same instructions were given in Clay County, Georgia, and when white parents tried to put their children on a black bus, the superintendent refused to let them do so.

In Claiborne County, Mississippi, a white student was actually assigned to ride a bus with blacks; when the bus supervisor realized the situation, he reassigned the student to another bus with a white driver.

Some school districts permit children of both races on the same buses, but segregate them within the buses.

Thus, Bradley, Arkansas has issued an official school board ruling requiring old Jim Crow patterns on the school bus, with black students in the back.

In Calhoun County, Georgia, each bus picks up black and white students, but drivers segregate them on the buses. And in Franklin County, Virginia, drivers will not let black students take seats beside whites.

Most buses in Hale County, Alabama are completely segregated. A few black students ride otherwise white buses to Greensboro and Akron High Schools, but they are assigned seats at the front of the bus, close to the driver.

In New Bern City, North Carolina, there are "integrated" buses for New Bern High and Barber Junior High. However, they pick up black students first, then white students. After school, the reverse occurs, with white students getting off first, and then black students. Not only does this practice result in segregated seating but it means that black students spend a much greater amount of time getting to and from school.

B. RACIAL DISCRIMINATION IN EXTRACURRICULAR ACTIVITIES

Some desegregating school districts have recognized the unique opportunity which extracurricular activities can provide, particularly at the high school level, to develop the interracial contact and the sense of shared responsibility and involvement which can ease the transition period and make the process of desegregation work. These districts have established biracial student committees and black and white students participate equally in student government, bands and cheerleading squads, and social activities.[8/]

Unfortunately, these districts are the exception. Most commonly, black students in desegregated schools are barred from participating in student government,

cheerleading squads and bands. They learn they cannot make the honor society, and that school dances have been cancelled. A star athlete may be accepted on the team, especially if he can help win a state championship; but as one high school student in Center, Texas (where they changed the election procedures to keep blacks out of student government) noted, "all they want us to do is play football on the field and sit quiet in the classroom. And all I want to do is get out of this mess."

Our monitors were able to obtain information on extra-curricular activities in 305 school districts. In 126 of those districts they reported discriminatory practices. Stuttgart, Arkansas is a typical example. This year, for the first time, class officers were elected by standing vote instead of secret ballot, to discourage any white student who might consider voting for a black candidate. There are no blacks on the pep squad, and few on the football team or glee club. When cheerleading candidates were told that uniforms and training camp would cost $140, all but one black girl dropped out of the running; she was subsequently elected and discovered the actual total cost to be only about $35. Dances are now held at a local recreation center of the Legion Hall. There

was to be a Thanksgiving dance by invitation only. No black students were invited, although the cheerleaders sold tickets for the dance at school.

1. Discrimination in Social Activities

Extracurricular discrimination was found most often in social activities, which were either cancelled or segregated in 108 of the monitored districts.

> York County #2, South Carolina's school board established a written policy that no organization connected with the school can sponsor any social activity including dances and proms.
>
> In Jefferson County, Florida, no "physical contact" except sports is allowed according to the superintendent's office. Not only have all dances outside of school hours been cancelled but teaching units in square and social dancing have been eliminated as well.
>
> In Orangeburg County #8, South Carolina, most school activities, including recess, have been cancelled to prevent social contact. School dances are held at the "community center," and blacks have been told they are not allowed to attend because the center is privately owned.

Transfer of proms to private white-only country clubs was a common occurrence which we found, for example, in Henry County, Alabama; Lake County, Florida; Dyersburg and Gibson County, Tennessee; Vance County, North Carolina; and Newport, Arkansas.

In San Augustine, Texas, a new rule has been established prohibiting "socializing in the halls," and a private security guard has been hired to enforce the regulation.

2. Discrimination in Student Government and School Organizations

In a few school districts, our monitors found student government organized in such a manner as to assure biracial representation. In some cases, officers elected last year in the separate black and white high schools serve jointly in the integrated schools. In other cases, new election procedures have been established to guarantee fair representation of all students.[9/] But in many school districts, black students have been effectively excluded from student government participation.

When a black student was elected eleventh grade class president in Waskom, Texas, the school board met and decided that last year's officers would serve again.

A black student was elected senior class vice president at Clinton High School in Laurens County #56, South Carolina, but he was not allowed to assume office because he "flunked the eighth grade." The only school policy anyone had known in the past was that a student is ineligible for class office only if he failed in high school. (Eighth grade is not high school in that system.)

In Junction City, Arkansas, a black girl was elected to a senior class office, when white students split their vote among several candidates. Rather than letting her take office, however, a runoff election was held for the first time and the white candidate won.

Similarly in Anniston, Alabama, when the white girl who had received the highest number of votes as the homecoming queen was disqualified, instead of naming the black runner-up queen, a new election was held with a new policy requiring a majority vote instead of a plurality and a runoff election if necessary. School officials stated that because blacks tended to "bloc vote," it was no longer fair to have a plurality system of election.

In England, Arkansas, the election for homecoming queen was held in homerooms while black students were in their segregated physical education classes.

East Tallahatchie, Mississippi school officials cancelled the Future Farmers of America, the Future Homemakers of America, Hi-Y, and student government, rather than let black students into these organizations.

In Texarkana, Texas, no applications for school social clubs are accepted from black students. The school allows an all-white club sponsored by the Kiwanis, but will not permit an Afro-student union.

In West Orange-Cove, Texas, when black students moved to the desegregated high school, they were told to turn in their Honor Society pins and were not allowed to join the society at their new school. Members of the society are elected by the teachers, and although qualified black students have been nominated, only one had been elected at the time of our monitor's visit.

Similarly, in Carthage, Texas, black students were excluded from honors programs at the desegregated high school, irrespective of their grades at the former black school.

3. Discrimination in Athletics, Cheerleading, and Band

Although most schools seemed willing to accept a black athlete if he could help the team win football games, some discrimination was found here as well. In

other activities associated with athletic events -- cheerleading, band, drill teams, majorettes -- discrimination was more prevelant.

Kemper County, Mississippi cancelled all football and basketball. Marengo County, Alabama discontinued basketball and has kept all blacks off the football team.

In Edgefield, South Carolina, where the student body is 70 percent black, only three black football players have made the first string squad, there are only two black majorettes, and only one of the eight cheerleaders is black. In Baker County, Florida, all seven cheerleaders are white.

Laurens County #56, South Carolina allows high school students to drive school buses as a part-time job, and most of these drivers are black. This year, a new school policy was established that boys who drive school buses can no longer play football.

In several Arkansas districts, blacks have been kept off cheerleading squads by prohibitive costs. In Bradley, Arkansas, two cheerleading positions were designated for black students, but they could not be filled because no one could pay for the uniforms. In Dermott, Arkansas, pep club outfits cost $108, more than any black students could afford.

In Brinkley, Arkansas, blacks in the school system insisted that the all-white cheerleading squad be enlarged to include three black cheerleaders, but the community then had to raise $82.50 per cheerleader to pay their expenses.

When schools were segregated in Humphreys County, Mississippi, Title I funds were used to purchase band instruments for black students who could not afford their own. This year, all band members must buy their own instruments and many black students are thus excluded from the band.

In McCormick, South Carolina, black majorettes are not allowed to participate in halftime activities at the football games, supposedly because they did not attend a "majorette camp." Black students insist that they were not informed of the camp.

In Watson Chapel, Arkansas, black cheerleaders are not allowed to go to out of town games. And in Baldwin County, Alabama, black students are transported to out of town games on segregated buses. Some of them tried to ride a "white" bus and were refused.

C. LOSS OF BLACK IDENTITY

Insidious discrimination is as bad as overt discrimination to the victim. A black student, segregated in class, blocked from participation in other school activities, has little incentive or chance of identifying with his "desegregated school." And all of his symbols of pride are destroyed or derogated.

1. Loss of Names of Former Black Schools

Of 321 black schools which remained open in the districts we visited, the names of 188 were changed. This was most common when schools were named after men and women of special significance to the black community -- George Washington Carver, Abraham Lincoln, Mary McLoud Bethune, Ralph Bunche, Booker T. Washington, Paul Lawrence Dunbar, or Marian Anderson.

In Clinton, South Carolina (Laurens County #56), Martha Dandy Elementary School, named after a prominent local black woman, became Clinton Junior High for Girls although blacks continue to refer to it by the old name. Wynne, Arkansas' Childress High School, named after a black principal, became Wynne Junior High.

Even when the name of the black school had no special "black" meaning, it was often changed, just to remove its identity as the former black school. For example, Crockett County, Tennessee's Central High School became Crockett Elementary. Ashdown, Arkansas' Wood Street High School became Brown Junior High. Richmond County, North Carolina's Monroe Avenue School became Hamlet Junior High.

Some school districts took elaborate steps to change the names of all of the formerly black schools. In Horry County, South Carolina, the names of six former black schools have been changed: Whittemore High School became Conway Junior High; Whittemore Elementary is now West Conway Elementary; Finklea High is now Area Two Vocational School; Chestnut High is North Myrtle Beach High; Carver Elementary is Central Elementary; and Watson Elementary is Loris Middle School.

Harris County, Georgia also changed the names of all of its operating black schools: Dunbar and Chipley Elementary Schools were combined into Pine Mountain Elementary; Laney Elementary became Waverly Hall Elementary; Thomas Elementary is now Cataula Elementary; and Carver High is Harris County Junior High. (Waverly Hall, Cataula, and Harris County are old names of white schools.)

Black students are not given similar consideration. They are expected to happily identify with Wade Hampton, Jefferson Davis, or Strom Thurmond Schools. One of our monitors told of a black high school girl ashamed to admit she was a student at Robert E. Lee School.

Orangeburg County #1, South Carolina went out of its way to offend black students. When the black Norfield School became the desegregated high school (a rare occurence), it assumed the name of the closed white school, Hunter-Kinard -- the names of two former white superintendents.

2. Loss of Black Mascots, Songs, and Symbols

Just as school names have been changed, black mascots, colors, and songs have disappeared. We did find isolated situations where school districts tried to compromise, combining team names or colors of the former black and white schools.[10/] In Valdosta, Georgia, the band director proposed a compromise medley which would include the old white school's song "Dixie" and "We Shall Overcome." ("We caught it from both sides and dropped it," the director said.)

More commonly, as a monitor reported about Texarkana, Arkansas, "the prevailing attitude is that the whites are

keeping what they have but the blacks can use it."

In Edgefield, South Carolina, the desegregated school retained the old white school's name, Strom Thurmond High, as well as its colors, the Confederate flag, the team name "Rebels" and the school song "Dixie." When the principal was asked how white students would have felt if all of the black symbols had been adopted instead, he replied simply, "but that's different."

Black students at the desegregated Carthage, Texas high school are not allowed to wear award jackets, sweaters, or colors from their old high school. And in Anderson County #4, South Carolina, black students were suspended from the band when they refused to play "Dixie" and march behind the Confederate flag.

In Aiken County, South Carolina, when the two high schools were paired, teachers selected students to form a committee to compromise on such issues. According to the monitor, "letting young people work it out" turned out to be voting to accept a slate of rules prepared by the white high school principal. The alma mater was to have been rewritten, but at the first pep rally, only the white alma mater was used. The principal refused a black student request for a conference to write a new school song, alleging it was useless because black students would be outvoted.

3. Loss of Black Trophies

In most school districts, black high school trophies and school pictures either disappeared or are being displayed in places other than the desegregated high school. Of 322 districts where we obtained such information, only 83 districts had black trophies on display at desegregated high schools, while 206 districts displayed white trophies. Usually black trophies remained at the formerly black school which either was being utilized as a lower level school or had been closed. Other school districts disposed of them in other ways or their whereabouts were unknown.

> In Clarksville, Tennessee, for example, when the black high school became a desegregated seventh grade school, the trophies were removed, but no one knows where they are now.
>
> Many of the trophies in Franklin County, Virginia were removed from the black high school and given to the persons who won them. Pictures that originally hung in the hall have been put in the library. Brinkley, Arkansas removed black class pictures from the walls and "stored" them in the librarian's office.
>
> Chattahoochee County, Georgia's class pictures are piled in the corner of the principal's office, and Baker County, Florida's trophies are in the home

of the former black coach. In the desegregated former black high school in Orangeburg County #1, South Carolina, all black trophies and pictures were replaced by white pictures and trophies.

Lake County, Florida put black trophies on display in the Chamber of Commerce building because school officials claimed there was "no room in the trophy case at school and no money to put in another trophy case." The NAACP is raising money to put in a trophy case at the high school.

Horry County, South Carolina's black Whittemore High School became Conway Junior High School. A brick memorial arch which had been presented to the school by a previous black class was bulldozed down, and all signs associating the school with Whittemore were obliterated.

D. ACCOMMODATING WHITE PARENTS AND STUDENTS

A primary underlying theme of all of the abuses which have been described in this chapter is the accommodation of white prejudice and the alleviation of white fears. School districts have gone to extremes to keep black students separate from white students, to prevent social contact, and to maintain the sense of white superiority in the school system. In doing so, they are frustrating the process and objectives of desegregation and exacerbating

already raw black feelings. Unnecessarily remodeling black schools and imposing new dress and discipline codes are still further examples of insensitivity to black students and parents.

1. Repairing Former Black Schools

Our monitors found 161 black schools which were repaired before white students were transferred to them. Some of the remodeling of black schools was necessary but was done only when white students were assigned to them and after black parents had objected to the same conditions of these schools for many years.

> Escambia County, Alabama reportedly spent nearly a million dollars to prepare the Escambia County Training School for white elementary students. When only blacks attended the school, there was no heat, only one light to a room, no doors on the rooms, and the superintendent's office always insisted that there was no money for repairs.

> Marion County #3, South Carolina made extensive repairs on a former black school where, the superintendent said, "not a dime had been spent on maintenance" since it was built in 1954. Work included painting and a new roof.

Anderson County #5, South Carolina is spending $133,000 to equip, renovate and repair formerly black Westside High School. One black student told the monitor that, as a result of this investment, he had textbooks for the first time since he had been in school. Ironically, a new high school is being constructed and now that the repairs which blacks have been seeking for years have finally been made, there is no plan for using the school beyond this year.

One monitor described the objective of other repairs as attempts to "deniggerize" the schools.

Thus, in Anderson, Pendelton, and Williamston, South Carolina all of the toilets or toilet seats in the formerly black schools were replaced, though repairs were unneeded. Also, the toilet seat preoccupation was found in Gilmer, Texas; Ashdown, Arkansas; and Sumter County, Georgia.

Chester County, Tennessee fumigated the former black school. Brinkley, Arkansas redecorated a black school "to get rid of disease."

In Eudora, Arkansas, a 12-foot chain link cyclone fence was put up around the former black high school, "to keep the community away" from the white students who would be attending classes there.

In Center, Texas, the former black school now used as the desegregated junior high school has received major repairs which black parents had been urging

for years. A new access road has been built on one side of the building so that buses bringing white students to the school will not have to come through the "worst part" of the black community.

2. New Dress and Discipline Codes

Some school districts have found a sudden need for new dress and discipline codes, a need that apparently did not exist as long as the schools were segregated. While an effort is frequently made to couch these new codes in "nonracial" terms, black students feel, with justification, that they are directed at them.

> In Orangeburg County #4, South Carolina, the principal admitted that the dress code was established because the school district "had to be more conservative, especially with regard to the girls' dress because black and white boys and girls were now attending school together."

> The San Augustine, Texas school board has adopted a strict new dress and conduct code allegedly for all students. But black students have no doubt that it is aimed at them and are insulted by references to drugs, liquor, firearms, and dope. As one student remarked, "they expect us to drink, shoot dope, cut up people. They never cared if we did it in all-black schools, but they are going to be sure we don't contaminate any white children." High school

students of both races are angry because no one can leave the building at lunch time, even though the cafeteria is too small to accommodate everyone.

The new "dress and grooming rules" in Forest, Mississippi betray the school board's racist pre-conceptions of black students by requiring for the first time this year that pupils and employees daily wear clean clothes, "free of body odor." A daily "all-over bath" is a requirement, plus "deodorants when necessary."

Black senior girls in Tyler, Texas were told that they could not have their class pictures taken with Afro hairdos. Like many other school districts we monitored, Tyler also forbids Afro combs, or "cake-cutters," in school because they are "dangerous weapons."

In Nacogdoches, Texas, there is no subtlety in the new code: "Students shall not wear any apparel or emblem that designates or symbolizes a particular race or power such as a glove, hood, armband, or other insignia if its wearing is designed to cause divisions in the student body and distraction from school activity." The new policy goes to drugs, weapons, felonies, expulsions, and suspensions as well. As the school board said, "a few years ago, we would not have had to spell out these things."

When a black boy and several white boys were found fighting after school in Nacodoches, the black boy was taken to the principal's office and then to the police station, and held for more than an hour. (None of the whites involved in the incident received similar treatment.) This boy and two other black boys were later expelled for the semester because they were "not sincere" about getting an education. One of the boys did not even know of his expulsion until he read about it in the local paper.

3. Keeping Black Students "In Their Place"

Some of the disciplinary actions our monitors reported reflect great preoccupation with the "dangers" of "mixing," and are clearly designed to keep black students "in their place."

Marion County #2, South Carolina expelled a black high school student "for making passes at a white girl and following her onto a wrong bus." And in Columbia County, Florida, two ninth grade boys were expelled "for whistling at white girls," and three white girls were expelled "for flirting with black boys."

In Pickens County, South Carolina, a black youth was suspended twice, for three days each time, for talking to white girls. And a black student

in Bradley, Arkansas was suspended for asking other students about interracial dating.

In McComb, Mississippi, black and white students were expelled or suspended for what is reported as "black boy-white girl and white boy-black girl overtures."

In Mineral Springs, Arkansas, two black girls were suspended because they refused to say "yes sir" and "yes ma'am."

E. BLACK STUDENT REACTION

In all of the situations we have described, there is no indication of awareness or care by local white school boards and administrators of their impact on black students. But it is precisely these kinds of incidents that are breeding hostility and despair in the black community and the reactive cry -- so misinterpreted -- for black community control. It is not desegregation they are rejecting, it is continued separation and disrespect.

Federal spokesmen have pointed with satisfaction to the "relative calm" with which the desegregation process was carried out in 1970.[11/] This is a premature judgment and it ignores the frustrations and tensions which are building in many school districts as a result of the kinds

of policies and practices documented herein. Black protests have already broken the "calm" surface in some districts, sometimes in peaceful boycotts and demonstrations, but sometimes in violent confrontations.

Greenville, South Carolina is a tragic example of how fragile the "calm" exterior of the desegregation process actually is. This summer, a delegation of students and teachers told a Senate Select Committee that Greenville had the potential for becoming a model for the nation.[12/] But the Greenville plan was based on a white model of school desegregation. In November it exploded. Violence erupted in the schools. At least one school was closed and reopened under police guard. The National Guard was brought in, tear gas and guns were used, and 300 students, mostly black, were suspended.

Greenville's superintendent said that "some of the basic causes lie in the transplanting of black students from their former all-black schools to almost all white surroundings." Black students, he continued, "feel like they've had to give up everything they had."[13/] Three of the all-black high schools were closed and the two others down-graded to junior highs. Their requests for representation in student government and extracurricular activities and for a black studies program were denied. Their "new"

schools play "Dixie" and fly Confederate flags. They are angry, as their statements reveal:

> "Students are fed up with having to take what's being handed out to them by the white man."
>
> "I won't even walk up there and look at Beck [the closed black school], because it hurts. I don't think anybody cried so much as our class. A lot of black kids don't feel a part of Mann [the formerly white school] because they're not qualified for the football team or the band or this or that. I played in the band and then became a majorette at Beck. But none of the girls that went to Beck qualified for majorette at Mann."
>
> "Kids transferred from other schools into Mann were tired of taking everything."
>
> "In the white school I feel like I'm being discriminated against. In class, if I raise my hand for an answer and a white raises his hand, the white is called on. Then I get lower grades. Whites sit on one side of the classroom, blacks on the other. Then the teacher teaches to the whites."
>
> "We just want something to have a part in."[14/]

In Warren County, North Carolina, black student demands for representation in student government, for a more relevant curriculum including black studies, and for

black administrators in positions of authority have gone unheeded. Their frustrations erupted in early November, when rumors spread that a white-only dance would be held after the football game (there have been no school-sponsored social activities since desegregation). Rather than confront issues raised, school officials closed all but two of the district's schools for more than a week. Black student protests were met by a special city ordinance banning marches or parades, and when students marched anyway, violence broke out. The following day schools were reopened, but nearly 1,000 black students stayed out of school, insisting that order be restored and issues resolved first. Two weeks later, students again attempted to present their grievances to the principal, but were ordered out of his office. New violence erupted and mass arrests were made. Ninety-one students were charged with disorderly conduct. Black girls were confined to a women's prison over strong objections from the black community. The boycott was finally ended, after many students had been out of school for more than a month. They now face failing grades for the semester, and none of the issues which responsible student leaders presented have been resolved. High tensions persist.

Although our monitors visited most districts during the first six weeks of school, they found the same elements of protest and potential confrontation described in other districts. In some cases, students had already taken action, and the typical response of school officials had been to expel or suspend them, rather than deal with the issues the students raised.

> Black high school students in Earle, Arkansas walked out of classes to protest supression of black expression, segregated classrooms and facilities, demotion of black personnel, and refusal to permit blacks to participate in school activities. Twenty-six students were arrested and convicted of violating a city ordinance by "parading without a permit." The black community held an evening march to protest the convictions and school policies. Law enforcement officials attacked the demonstrators and more than 500 shots were fired. Five blacks were hospitalized for injuries ranging from broken arms to a gunshot wound in the stomach, and there were reports of at least 75 injured.
>
> In West Orange-Cove, Texas, when class election ballots were counted in the absence of black members of the election committee, 200 black students staged a walkout to protest the irregular procedures. They returned to class with the principal's assurance that "no students would be penalized." When they learned that four basketball players had been suspended from the team that same afternoon, for "unsportsmanlike conduct," as a result of their participation in the

demonstration, a second walkout was staged. The principal met with them but refused to listen to their grievances; he read them a new discipline code designed to deal with "this kind of problem" and ordered them to either go back to class or go home. Twenty-one students left the campus and were expelled for the semester. The students and the community appealed to the school board, but their expulsions were upheld. Most of these students have had to move away from home, to live with relatives or friends in other school districts, in order to continue their education.

In Iredell County, North Carolina, black students organized a boycott and protest march when no black girl was elected to the 15-member queen's court for homecoming. Black students were clubbed by police during the march; some were seriously hurt and at least ten were arrested. The school suspended 120 black students for three days, all homecoming activities except the football game were cancelled, as well as student elections, affairs and related activities.

Magnolia, Arkansas black students organized a boycott because there were no blacks in student government or on the cheerleading squad. The leaders of the boycott were suspended. A planned second boycott was cancelled, but four more black "leaders" were expelled. According to the monitor, community leaders are "trying to hold it together" but students "are leaning to more militant ways."

In Perry County, Alabama, black students staged a boycott to protest the demotion of their football coach. Although he had had considerable experience

and success coaching in the district, when the high schools were desegregated, a new white man was named head coach and the black coach was offered an assistantship. As a result of the boycott, football has been discontinued.

All of the 350 black students who attend Robert E. Lee High School in Tyler, Texas walk out of pep rallies each week when "Dixie" is played. Students have met with school officials in an effort to eliminate offensive symbols at the high school, but the only accommodation made is to assure black football players that they do not have to run on the field under the Confederate flag, and black members that they do not have to play "Dixie."

In Dublin, Georgia, tensions in the high school mounted over school colors and symbols and discrimination against black students, until school officials found it necessary to evacuate the building. While some students remained inside, those who left were lined up on the school grounds, blacks on one side and whites on the other. Police were called when some fighting broke out, and they attacked and maced a number of black students, at least one seriously enough to require medical treatment. Since that time, at least 100 black students have been suspended for varying periods of time, for a variety of offenses. There were no reports of white students suspended. When several blacks tried to come back to school before their suspensions were up, they were arrested, handcuffed, and jailed. Police are now stationed in the halls of the schools.

Within six weeks after schools opened, our monitors found that 152 districts had expelled black students and 95 had expelled white students. Five times as many black as white students were involved in these disciplinary actions. Where we could obtain explanations for expulsions or suspensions, we found that white students generally were being punished for typical school discipline problems, most often for fighting. In contrast, over 80 percent of the black student expulsions were for protests or demonstrations.

As one North Carolina student explained, "if you start to even question any of the rules and regulations, even if you know they are directed against you, you are called a Communist or, you know, you are just a black militant that is going totally insane."[15/]

One of the tragic results of unfair disciplinary procedures, or those perceived by blacks to be unfair, is that black students who might provide leadership supportive of desegregated education have been removed from the schools. Many of those who do remain have become increasingly disillusioned with the entire process.

One high school student leader in New Orleans, who describes himself as a school "pushout" as a result of desegregation, blames black disillusionment on the failure to achieve quality integrated education:

> "...what has happened is that the same whites who resisted the desegregation program...the same whites that keep everyday strengthening the resistance movement are the same ones that make the rules and regulations for black students inside those Southern schools."

And he indicts the federal government as a conspirator in the process:

> "...it is very clear to see and prove that the Federal Government has left the control of the schools in the hands of the resistance movement. That means people who are interested in the social issue of desegregation wonder is there a conspiracy between the Federal Government and southern states, to leave the control in the hands of the southern resistance movement. The Government doesn't move like that ... in Vietnam ... it doesn't give Hanoi money or resources to implement the Vietnamization program, because Hanoi is classified as the enemy.[16]

While Secretary Richardson admitted the major problem of desegregation of southern schools was "in-school segregation," he said, "I think this one will resolve itself without serious difficulty over the next several months."[17] We strongly disagree and feel that this kind of stance from those in leadership is a major source of noncompliance with the law. Our findings strongly suggest that this problem will not resolve itself, and that serious difficulty

will almost certainly result unless changes are made immediately.

Secretary Richardson recognized the need "of communicating an awareness to the school systems that desegregation must extend to what is done inside the school building, as well as among the schools within a system,"[18] but no such communication has been forthcoming.

After the dozen black students met with HEW officials in June, 1970, the Office for Civil Rights Director did appoint a task force to develop a policy statement to be sent to all HEW-plan districts outlining the Title VI requirements regarding treatment of students in desegregated schools. The task force completed its assignment in early July and presented Mr. Pottinger with a comprehensive statement which, if issued, would have helped to prevent many of the abuses described in this chapter and, more importantly, much of the suffering of black students who may be long soured on the desegregation process. It would have also given school officials the kind of federal backing and guidance needed to resolve these issues. Yet, as we indicated at the beginning of this chapter, the administration abandoned the statement as "unworkable."

Such refusal to act is inexcusable. While the task force document is not perfect, it does identify the major issues and provides a basis for resolving them by placing affirmative responsibility on school officials, the place where responsibility belongs. We include the proposed task force memorandum in this report as Appendix C, and urge its immediate adoption and dispatch to southern school districts.

CHAPTER III

RACIAL DISCRIMINATION AGAINST BLACK TEACHERS AND ADMINISTRATORS

" ... black children, by seeing black teachers and administrators downgraded or fired, are impressed with the feeling that blackness is a mark of inferiority. Their reaction in many cases is one of self hate, although in recent years this has been replaced by feelings of rebellion.

" ... white children, on the other hand, are led to believe that their whiteness makes them superior persons. This condition perpetuates the thoroughly discredited myth of white superiority and inhibits their future adult life, making it difficult for them to operate effectively in a multi-racial world."

George Fischer, President
National Education Association 1/

That desegregation of a dual school system requires nondiscriminatory treatment and assignment of black teachers, administrators and other staff is now patently clear. 2/ Yet our monitors found widespread discriminatory dismissal and demotion of black principals and teachers, and violations of legal requirements for racial assignment of staff.

Of 467 districts monitored, 34 districts had dismissed black principals, 194 had demoted black principals, 127 had dismissed black teachers, and 103 had demoted black teachers. Our findings strongly confirm the recent conclusion of the National Education Association that "what is happening ... is not integration; rather, it is disintegration -- the near total disintegration of black authority in every area of the system of public education."[3]

The Departments of Justice and HEW several years ago imposed strong paper requirements for nondiscriminatory treatment of black educators in desegregating districts.[4] But little action to correct the widespread violations of their own requirements has ensued. Not a single school district has been terminated by HEW for discrimination against black principals or teachers, although it has received hundreds of complaints of such discrimination.[5] Federal officials have equally failed to enforce the firm standards established by the courts and adopted by the President himself, that faculty in desegregating districts must be assigned so that the ratio of black to white teachers in each school in a district is substantially the same as the district's ratio as a whole. We found substantial deviations from this principle in 39 percent of the monitored districts.

During the spring and summer of 1970, NEA and other outside professional educators and lawyers warned federal officials of the expected increase in discrimination against black educators. They consulted with HEW and Justice Department officials on preparation of a detailed memorandum outlining school districts' responsibilities under the Civil Rights Act of 1964 regarding treatment of minority faculty.

On August 6, 1970, HEW Secretary Richardson and Civil Rights Director Pottinger promised a U.S. Senate Committee[6] that the memorandum would be issued "probably ... within ten to fifteen days."[7]

Today, almost five months later, no memorandum on this crucial issue has been sent to local school officials.[8] Instead, on December 11, 1970, the Office of Education announced a program of training and retraining "to assist teachers and administrators displaced by the process of school desegregation," and to improve and enlarge the skills of "those displaced personnel who wish to remain in the education profession," or "who desire to enter other fields."[9]

This unfortunate program accepts white southern school officials' belief that black teachers and principals were qualified to teach black children but not white children.

It is a poor substitute for enforcing the law and, as announced, amounts to an endorsement by the federal government of the massive firings and demotions of black teachers and principals that have accompanied school desegregation.

A. PRINCIPAL DISMISSALS AND DEMOTIONS

Our monitors found 34 cases where black principals were discriminatorily dismissed.

In Atlanta, Texas, a black principal with a master's degree in administration, a superior score on the National Teacher's Examination, and 30 years' teaching experience was offered a contract to remain as principal of a school until it was desegregated. He refused to sign the contract on the grounds that it was discriminatory, and he noted on the contract that he would take the job of junior high school principal when the schools were desegregated. He worked for a year without a contract, but was informed he would not be rehired. His request for a hearing was denied.

A black elementary school principal in Barnwell County #5, South Carolina with four years' experience received a letter thanking him for his services and stating that "due to changes" he was no longer needed. He inquired about a teaching job and was turned down. He has a master's degree and has taught in the county for 19 years. The new principal of the desegregated elementary school has only a bachelor's degree and one year's experience in the system.

In Monroe County, Georgia, the black elementary school principal was forced out. He had been principal for three years and lived in Atlanta. Only when the schools were desegregated was he told he could not be a principal unless he resided in Monroe County. He was offered a position, apparently invented for him, as assistant superintendent. He declined, and now works in Atlanta.

Baker County, Georgia fired the former black school principal for alleged unwillingness or inability to control a black student protest last year.

Lexington County #3, South Carolina closed a black school and ordered its principal to resign because "his services were not satisfactory." He is now an assistant principal at a desegregated high school in another district.

Demotions were more common than dismissals. 194, or 63 percent, of the districts we visited demoted at least 386 black principals to a variety of inferior positions.

Half of the 386 demoted black principals were made assistant principals, despite their frequent better qualifications and superior experience to the white principals they were assigned to work under.

Pike County, Alabama demoted four black principals. One former high school principal is now the second assistant principal of a desegregated high school. The new white principal of this school, formerly a

football coach, and the white first assistant principal were brought into the system this year. A second black principal with 20 years' experience and a master's degree in administration now works in a Title I program for migratory workers. He, too, was replaced by a white principal new to the system. The other two black former principals now serve as the "coordinator" of a junior high school and as a classroom teacher, respectively.

In York County #2, South Carolina, the black high school principal was made associate principal of the desegregated high school. Though he has credentials to be a high school and middle school principal, a white teacher was made principal of the middle school this year.

A black principal in Attalla City, Alabama with 15 years' experience as an assistant principal and principal was made assistant principal, with few duties, of a junior high school under a white man with only 6 years' experience as a principal.

Some districts have created the role of "assistant" princ pal with desegregation with undefined or trivial duties.

Two black principals in Kershaw County, South Carolina have been made assistant principals with duties of organizing bus schedules and keeping the buses running. And in Humphreys County, Mississippi, the two white principals have seven black assistants -- five black former principals and two black former assistant principals.

In Nacogdoches, Texas, the black high school principal is now second administrative assistant to the white principal of the desegregated high school. Though he was principal for many years, the school board selected the white former football coach to be the new principal and the white former basketball coach to be first administrative assistant. Another black principal of a junior high school remains at his black school to supervise the building though no regular classes are conducted at the school.

In Baldwin County, Alabama, one former black principal was transferred to the central administrative office where he is the administrative assistant at the Materials Center which provides books and Title I equipment to all schools. The other five former black principals were also demoted -- four to assistant principals under white principals and one to head guidance counselor over three schools.

A former black elementary school principal in Jefferson County, Florida, now an assistant high school principal, is driver education director and truant officer. His old elementary school now has a white principal.

We found a few districts where assistant principal is simply a false title concealing a menial position. For example:

Magnolia, Arkansas made the principal of a former black elementary school assistant principal of a desegregated elementary school, but assigned him to work with the janitors and on equipment and materials.

Other black assistant principals deal only with black student discipline and black student attendance.

> In Greenwood County #52, South Carolina, the former black high school principal is now assistant principal at the desegregated high school. He "does whatever told to do," which is mostly disciplining black students and directing buses.

> A former black high school principal in Humboldt City, Tennessee is now assistant principal at the desegregated high school in charge of black male students. In Coffee County, Alabama, the black assistant principal may discipline only black children, while the white principal disciplines the white children.

While we found no instance where a white high school principal was assigned to a lower level school, we found districts where black senior and junior high school principals were demoted to lower level schools.

> In West Tallahatchie, Mississippi, a black former high school principal was demoted to junior high school principal, while a former white football coach was made principal of the desegregated high school. And in Martin County, North Carolina, all

black former high school principals are now elementary school principals.

Another new title, the co-principal, has emerged in some desegregating districts, i.e., a black and a white "share" the title of principal while the white "co-principal" has all the responsibility. Two black principals were made "co-principals" of desegregated schools in Barnwell County #19, South Carolina. The co-principal of the high school has what is described as a "little hole-in-the-wall office," and his main job is apparently checking bus routes.

Black principals have sometimes been allowed to retain their titles, but are stripped of actual responsibilities.

Spartanburg County #3, South Carolina made the principal of a former black school principal of a middle school. However, the white administrator and guidance counselor of the school occupies the former principal's office. The black principal is in a former janitor's office and has no real duties. A white man replaced him as principal at his old school, now desegregated.

In Helena-West Helena, Arkansas, the former black high school and junior high school principals are both still principals but the number of grades for which each are responbible has been cut in half and there is a white "supervisory principal" over each.

In many districts our monitors found that black principals had been suddenly "promoted" to positions lacking job descriptions, and involving little responsibility and authority.

> One black former principal in Thomaston, Georgia is now "supervisory principal of elementary schools" with undefined duties. His former black assistant principal is now the assistant to the assistant principal of a desegregated 12-grade school. And in Center, Texas, the former black principal is now "supervisor general" with duties which have not been clearly defined. He sets up workshops and provides insurance for teachers. His salary has been reduced.
>
> A black elementary school principal with 25 years' experience in Orangeburg County #3, South Carolina was made "supervisor of secondary education" with unclear responsibilities. In Tyler, Texas, the former principal of the black high school is now the "Administrative Assistant to the Superintendent for Community Relations and Research."
>
> And in Wilmot, Arkansas, the black principal was made Assistant Superintendent -- with duties of social worker and remedial teacher.

In Clarendon, Arkansas, the black former principal is now the "Federal Coordinator." He has a master's degree in administration and many hours towards his Ph.D. The new

white principal at his former school, now a middle school, was an instructor in industrial arts. In Jefferson County, Georgia, a black former principal has been placed in charge of the Title I program, over 11 black Title I teachers. Blacks suspect this category of "promotion" for federal coordinators can be easily dismissed if federal funding is cut back.

Ninety-four of the 321 demoted black former principals were simply made classroom teachers.

A black former Dodge County, Georgia principal is now a teacher of the mentally retarded. All but one of the teachers in the Educable Mentally Retarded program are black. The black principal of the former 12-grade black school in Gilmer, Texas was made an assistant principal of the desegregated high school last year, and spent most of his time marking absentees and supervising the halls. This year he is working as a regular high school classroom teacher.

Three of five black former principals in Iredell County, North Carolina and all three black former principals in Anderson County #4, South Carolina were demoted to classroom teachers.

In Crenshaw County, Alabama, a black former principal is now teaching remedial reading. Another black principal resigned. The district hired a new white principal who had previously been a milk inspector with no prior teaching experience.

Other black former principals were demoted to non-classroom teaching positions in desegregated schools, such as guidance counselors, librarians, and music coordinators.

> A former black elementary school principal is now an elementary school librarian in Camden, Arkansas, and in Gadsden City, Alabama, two former black principals have virtually no jobs. One remains with no duties at his original school where only Headstart classes are now taught. The other, a former high school principal for 11 years, has no assigned duties but says he "will be sent to the superintendent's office."
>
> A former black Pasco County, Florida principal is now music coordinator. And in Worth County, Georgia, a former black principal now serves as "attendance officer."

B. TEACHER DISMISSALS

Our monitors found that 127 of the districts visited fired or refused to renew the contracts of at least 462 black teachers.[10/]

The most common excuse given for dismissal of black teachers was that fewer teachers were needed with desegregation, either because of a reduction in the number of

students (usually white) or because of the elimination of duplicate courses and facilities. However, many school officials have simply informed black teachers that they are "no longer needed."

> Karnack, Texas sent mimeographed form letters to five black teachers informing them they were "no longer needed." But the district hired new white teachers this year. Jones County, Mississippi's superintendent simply told several black teachers there "were no places for them."

Since desegregation, many school districts have required teachers to take and score at a set level on the National Teachers Examination (NTE).[11] Those falling below the set score are dismissed.

> In Chester County, South Carolina, teachers were required to take the NTE. After the test was given, school officials raised the requirement for continued employment to a score of "A." Approximately 11 black teachers were dismissed for not meeting this requirement, and were then rehired as teacher aides. And York County #2, South Carolina began eliminating black teachers as early as 1967. No contracts were renewed for teachers scoring less than "B" on the NTE. They were replaced by white teachers from outside the district, though black teachers with the required "B" score were available.

Educational experts have challenged the use of the NTE as an employment standard and emphasize that its role "as the sole criterion for hiring ... is unsound professional practice."[12/] But it persists.

Official explanations of "incompetency," "lack of qualifications," and "improper credentials" are also used to justify dismissal of teachers who have been teaching black children for years in these same school systems. In some cases, the charges are patently discriminatory. In other cases, concerns with competency and credentials arose only when the teachers in question were about to teach white children.

> McNeil, Arkansas dismissed one black teacher because he did not have full teaching credentials, although as the black community later discovered, the superintendent could have waived the requirement. A white teacher was hired who lacks an education degree.
>
> In Muscle Shoals, Alabama, four teachers were fired and two were asked to resign because they only had bachelor's degrees and no teacher licenses. However, white teachers with only bachelor's degrees were not fired.

When black teachers defend their professional rights they are dismissed. Our monitor in South Pike Mississippi reported that "the overall sports director ... refused to

accept a lesser position because of his ability, qualifications, and record, and when this was expressed his contract was not renewed." And in Taylor County, Georgia, 22 black teachers were fired because they refused to take or report their scores on the NTE which was given for the first time this year. They argued that the NTE was no indication of teaching ability. All but one got teaching jobs in other districts. And black teachers were also apparently dismissed for civil rights activity.

> Wilcox County, Alabama fired only two teachers. Both had been in the forefront of the effort to send black students to the white Wilcox high school.
>
> In Seminole County, Georgia, one black teacher, active in a local black civil rights group, did not have his contract renewed, reportedly because of his political activities.
>
> In Hot Springs, Arkansas, only one teacher's contract was not renewed, supposedly after all teachers' qualifications were reviewed. He was the founder of the Council for Liberation of Blacks, a black teachers' group.
>
> And in Earle, Arkansas, one teacher's contract was not renewed. She had been a candidate for mayor, and she and her husband were leaders of the black community protests against school board policies. She has a master's degree in foreign languages and five years' experience as a teacher.

C. TEACHER DEMOTIONS

One-hundred-three districts we visited had demoted black teachers.[13/] They are usually reassigned to subjects outside of the fields for which they were trained and certified and in which they have had years of experience. Reassignments of this type have been recognized by the law as demotions, since placing a teacher in an unfamiliar situation is often a technique through which a record of incompetency and lack of qualifications is built up as a ground for dismissal.

> San Augustine, Texas assigned several teachers to subjects outside their fields: a former gym teacher is now teaching biology at the desegregated school, and black teachers who originally taught English now teach gym. Other black teachers are no longer allowed to teach high level courses, but are assigned to teach basic math and science. Still other black teachers have been made floating teachers who go from room to room and "assist" white teachers.
>
> In Crockett County, Tennessee, a cosmetology teacher is now teaching fourth grade. Several black teachers in Marshall, Texas have been assigned to courses in which they lack experience; for example, English teachers are now teaching history.

A high school math teacher and a first grade teacher were assigned to teach high school physical education in Baker County, Florida, and Gibson County, Tennessee assigned a home economics teacher to health and physical education with a cut in pay.

Common teacher demotions are from high schools to junior high and elementary schools. For example:

In Jackson County, Florida, a high school English teacher and a high school social studies teacher were transferred to teach fourth grade. And England, Arkansas assigned nine teachers who had taught high school classes to lower track classes at the junior high school level. There are no black teachers or students in the highest track.

Even where black teachers are retained at the high school level, they are often reassigned to lower track and vocationally oriented classes. And almost always they lose positions as department heads. In Atlanta, Texas, for example, several teachers who formerly had taught all courses are now teaching only black vocational students.

Black teachers in 28 districts were assigned to federally funded special programs such as Title I, Head-start or Follow Through, with desegregation. These programs mainly consist of poor or minority children. Ten former classroom teachers in Lauderdale City, Tennessee are now

Title I instructors. Five black teachers in Quitman County, Georgia, some of whom had been in the school system as long as 25 years, are now teaching all-black remedial Title I classes. And a Texarkana, Arkansas second grade teacher with at least 25 years' experience now works in Title I providing glasses for students with visual problems. Finally, in Atlanta, Texas, only black teachers are assigned to Title I programs. Two former regular classroom teachers were assigned to teach Title I remedial classes, but when our monitor visited the district several weeks after school opened, neither teacher had been assigned any students.

Some black former classroom teachers have been demoted to non-teaching jobs.

> West Orange-Cove, Texas assigned a black high school French teacher, with three years of study in France, to be an elementary school librarian.
>
> Brinkley, Arkansas demoted a black teacher with a master's degree in education, who had been the first black teacher to work at the white high school under the freedom of choice plan two years before. Last year he was given study hall duty, and this year he is driving a bus and teaching shop at the vocational school.

A comparable phenomenon is the assignment of black teachers as assistants to white teachers, sometimes under the guise of team teaching programs. Black classroom teachers have even been made teacher aides, often with a substantial salary cut.

> In Shelbyville, Texas, almost all the black teachers have been demoted; many of them are assistants to white homeroom teachers.
>
> In Enterprise City, Alabama, 12 elementary classroom teachers are now teaching specific subjects in a departmentalized program or are part of a team-teaching group with the team leader in each instance being white.
>
> Lowndes County, Georgia demoted two black teachers to "visiting teachers' assistants;" and Montgomery County, North Carolina demoted a high school music teacher to a teacher aide. In Elba City, Alabama, a black classroom teacher with over 20 years' experience was demoted to teacher aide. And in Lake Village, Arkansas, two elementary school teachers with 20 to 30 years' experience continue to receive teachers' salaries but work as teacher aides.

Black coaches, band directors and choral directors have been hardest hit. Black former coaches are now assistant coaches, physical education teachers, and playground directors, often after highly successful careers.

Black former high school band directors are now assistant directors, "stage-band" directors, and junior high school band directors. Black former choral directors are now high school music teachers, or elementary school choir directors. Ironically, in these fields -- athletics and music -- many white school officials have recognized and welcomed black student participation. But by mistreating black adults connected with these programs, white officials constantly remind these students of their inferior status in desegregated schools.

> In Texarkana, Arkansas, the former black band director is now a fifth grade teacher; the head coach at the former black school is an eighth grade coach and history teacher; and the head basketball coach at the former black school is now a classroom teacher and bus driver. The white athletic director and head football coach at the predominantly white school was fired when he substituted a black player for a white player whose father was on the school board. The coach had a winning record, and was known for defending the rights of black students. For instance, he opposed the playing of "Dixie" at football games.
>
> All black coaches and music teachers were demoted in Baker County, Florida: the head football coach was made assistant to the assistant football coach; the head basketball coach was made assistant basketball coach; the band director was made assistant band director; and the head music instructor was made assistant music instructor.

In Selma, Alabama, four black head coaches were demoted -- two to assistant coaches, and two to teachers in elementary schools.

The head football coach of the formerly black high school in Union County, South Carolina who had been in the district for several years, was made assistant to a white coach with only one year's experience in the district. A black coach who produced a championship girls' basketball team was superseded by a white coach, new to the district.

In Choctaw County, Alabama, the black former head coach is now a physical education teacher with a lower salary. Two black former assistant coaches are now physical education teachers.

In Troup County, Georgia, the black choral director with a master's degree from Columbia University was made "music consultant" with no real responsibilities.

St. Johns County, Florida demoted the band director of a black high school (who holds a master's degree) to seventh grade band teacher. The white band director at the desegregated high school has no master's degree and has worked fewer years in the system.

In West Orange-Cove, Texas, the band master of the former black school, a graduate of Northwestern University and Julliard School of Music, was made assistant band master at the junior and senior high schools. The white band master has allowed only

five or six black students into the band, although the black students had a prize-winning band at their old school.

D. REPLACEMENT OF BLACK TEACHERS

Our monitors found that dismissed black teachers in most cases are being replaced by white teachers. If this practice continues, we may find all-white faculties in "desegregated" Southern school systems.

Escambia County, Alabama hired approximately 25 new teachers, only one of whom was black. Bradford County, Florida has hired only one new black teacher since 1965.

Opelika, Alabama has reduced the number of black teachers in the last four years by approximately 40 -- or one half. Our monitor reported, "The black teachers for whatever reason they leave -- whether fired, not renewed, retired -- are replaced by white teachers. These frequently are not qualified [sic], are here only temporarily while the husbands are finishing school at Auburn U."

Hamilton County, Tennessee has lost at least nine black teachers since last year. It hired 123 new teachers this year, only one of whom was black.

E. OTHER IN-SCHOOL DISCRIMINATORY TREATMENT OF BLACK FACULTY

Along with widespread dismissals and demotions, our monitors found that those black faculty members retained in relatively responsible positions are often treated in a degrading, intimidating, and discriminatory manner. In Laurens County #56, South Carolina, the only black male teacher in Clinton Senior High School has to teach his class in the basement.

In Junction City, Arkansas, only black elementary school teachers are assigned to portable classrooms and they teach only black students.

In York County #2, South Carolina, only one of four black teachers assigned to a desegregated high school works a full day. All of the white teachers work a full day.

In Miller County, Georgia, 16 new teacher aides were hired this year, only one of whom is black. These aides are used to "help" black teachers, who regard this as evidence that they are not trusted to handle classes alone. Several black applicants, with equal or better credentials than the whites hired, were turned down by the school board.

F. ASSIGNMENT OF TEACHERS

The rule in school desegregation cases adopted by the Fourth and Fifth Circuits and approved by the U.S. Supreme Court, is that districts must assign their faculty and other staff who work with students so that the ratio of black and white faculty and staff in each school is the same as in the entire district. President Nixon endorsed this as administration policy in his March 24, 1970, statement on school desegregation, and it is required by HEW of school districts receiving funds under the Emergency School Assistance Program. The federal government has spoken more clearly and definitely on this desegregation requirement than on any other.

At a press conference held April 7, 1970, HEW Civil Rights head Stanley Pottinger promised strict enforcement of this faculty assignment rule. Yet we found that it was widely violated. Schools in "desegregated" districts continue to be racially identifiable by the makeup of their faculties.

Our monitors were able to gather information on faculty assignment for 200 districts. No less than 39 percent of these had clear and serious violations of the faculty

assignment rule. As might be expected, excess numbers of black teachers are in predominantly black and formerly black schools. Specifically, we found:

1) 84 schools with too many white teachers. Of these -
   - 76 are former white schools
   - 60 are predominantly white schools
   - 20 of the 24 majority black schools with too many white teachers are former white schools

2) 71 schools with too many black teachers. Of these -
   - 61 are former black schools
   - 52 are predominantly black schools
   - 14 of the 19 majority white schools with too many black teachers are former black schools

In addition, our monitors found that black teachers tended to be concentrated at the lower grade levels.

We describe below a few of the many violations of the faculty assignment standard, with only one example of each type of violation to avoid repetition.

Many school districts with overall white majorities of both teachers and students have assigned disproportionate numbers of black teachers to their few majority black schools.

New Bern, North Carolina has one all-black and one majority black school out of ten schools. The two majority black schools have one white and eight black teachers and five white and 29 black teachers, respectively. The other eight schools have heavily majority white faculties.

In other districts with a majority black student population but an overall majority white faculty, black teachers are concentrated at the predominantly black schools.

> Martin County, North Carolina has a 56 percent black student population and a total of 207 white and 93 black faculty members. Five of the seven formerly black schools have majority or near majority black faculties. All of the former white schools have majority white faculties.

Some districts with both majority black student bodies and faculties assign more of their white teachers to the few schools with majority white student bodies.

> South Pike, Mississippi has two majority white and two majority black schools. The majority black schools have majority black faculties while the two majority white schools each have seven white and one black faculty member.

In a few other districts, desegregated schools have a majority black but desegregated faculty, while the all-black schools have an all-black faculty.

> East Tallahatchie, Mississippi has a total of 41 white and 77 black faculty members, with 23 white and 31 black teachers assigned to the desegregated elementary school. No white and 14 black teachers are assigned to the all-black elementary school.

Many districts have practically excluded all black teachers from the high school level:

> Flagler County, Florida has no fulltime black teachers in the high school.
>
> Jefferson County, Florida has only one black teacher in the high school. Other blacks in the high school are teacher aides, and are called "special assistants." At least one elementary school has a disproportionately high number of black teachers.

The conditions and abuses described in this chapter seriously undermine hopes for successful desegregation. These problems could have been avoided by firm federal enforcement of existing legal standards. Future disaster can be averted, and some of the damage we have described can still be undone, if the Department of HEW will now release and enforce its already prepared memorandum detailing prohibited discriminatory practices against black teachers and administrators.

FOOTNOTES

INTRODUCTION

1. U.S. News and World Report, December 7, 1970, p. 39.

2. This attitude was expressed by HEW Civil Rights Director Stanley Pottinger at a press conference on October 1, 1970. As reported in The Washington Post of October 2, 1970.

   "Pottinger cited ability-grouping yesterday as an example of a whole new generation of school desegregation problems in the South. The old problem was to get black and white children into the same schools. The new problems, Pottinger said, deal with what happens next, 'within schools.'"

3. 347 U.S. 483 (1954).

4. Compare Brown v. Board of Education, 347 U.S. 483, 494.

5. Hearings before the Senate Select Committee on Equality of Educational Opportunity (hereinafter "Select Committee Hearings"), at p. 1323 (Miss Lovette), p. 1342 (Miss Kleinpeter).

CHAPTER I

1. In Green v. New Kent County, 391 U.S. 430, 442 (1968), the Supreme Court defined a unitary school system as one "without a 'white' school and a 'Negro' school, but just schools."

2. Past national administrations, though their desegregation enforcement policies have been weak in many respects, have generally taken strong positions in the courts on the question of what the standard to measure final desegregation should be. By contrast, the Nixon administration

has rejected lower court decisions which establish the policy that disestablishment of a segregated school system can only be measured by actual results -- by actual desegregation of individual schools. It has instead chosen to follow the lead of other courts which have held that desegregation of schools need go no farther than desegregation of neighborhoods has gone -- even where the segregated neighborhoods are themselves the result of past official school segregation and other governmental policies, as a federal judge found to be the case in Charlotte, North Carolina. Thus, the Justice Department has, for the first time since 1954, entered school desegregation cases to oppose the granting of relief which would fully desegregate the schools in districts which have officially separated children because of their race.

3. In his March 24, 1970 statement on school desegregation, President Nixon approvingly cited the Orange County decision.

CHAPTER II

1. See Appendix A.

2. Mrs. Frances Pauley, civil rights specialist in the Atlanta, Georgia regional office of the Office for Civil Rights, HEW, quoted in the Wall Street Journal, May 15, 1970.

3. Select Committee Hearings, August 6, 1970, p. 1753.

4. Press conference October 1, 1970, reported in The Washington Post, October 2, 1970, p. A2.

5. 45 C.F.R., Section 80.3 (b)(1).

6. Select Committee Hearings, July 13, 1970, pp. 1642, 1685.

7. 45 C.F.R., Section 181.6(a)(4)(G). (Emergency School Assistance Program Regulations)

8. Florence County #3, South Carolina, for example, has four black and four white cheerleaders; student officers who were elected at the segregated high schools last year are serving as associate officers in the integrated high

school this year. Similarly, in Dillon County #1, South Carolina, the student council is a composite of those elected last year in the separate high schools; the cheerleading squad is half black and half white; the band is mixed; new class officers in this majority black district will be elected by a majority vote of the students.

9. Ibid.

10. Examples of districts which did try to compromise include Dillon County #1, South Carolina; Macon and West Point City, Georgia.

11. See Appendix B.

12. Select Committee Hearings, July 8 1970, p. 1568.

13. U.S. News and World Report, December 7, 1970, p. 28.

14. Ibid.

15. Select Committee Hearings, June 18, 1970, p. 1323, statement of Miss Lowanda Lovette.

16. Select Committee Hearings, June 18, 1970, pp. 1329-30, statement of Miss Anita Kleinpeter.

17. Select Committee Hearings, June 18, 1970, pp. 1313, 1315, statement of Mr. Lionel McIntyre.

18. U.S. News and World Report, December 7, 1970, p. 39.

19. Ibid.

CHAPTER III

1. Select Committee Hearings, June 16, 1970, p. 1078.

2. United States v. Jefferson County Board of Education, 372 F.2d 836, 882, (1966); Department of HEW, Office for Civil Rights, Policies on Elementary and Secondary School Compliance with Title VI of the Civil Rights Act of 1964, Subpart B, Par. 10 (1968).

3. Report of NEA Task Force III, School Desegregation: Louisiana and Mississippi, November 1970, p.8.

4. See Footnote 2.

5. The NEA reported that:
"Staff assistants to the NEA ... consulted with key HEW officials in Washington to inquire if any positive action had been taken in response to complaints of teacher displacement ...The officials were unable to cite one single case where a school system's funds had been removed on the basis of such a complaint and investigation. When asked why the response was that a landmark case is being sought. Since 1964, and with many cases of black teacher and principal displacement from which to choose, HEW has yet to find such a case."

Beyond Desegregation: The Problem of Power, A Special Study in East Texas, National Education Association, Commission on Professional Rights and Responsibilities; February 1970, p.28.

6. Pottinger testified

"In addition, a memorandum is being prepared which will set forth in more specific terms Title VI standards in regard to the nondiscriminatory treatment of minority-group teachers and principals.

"The purpose of [the memorandum] is to assist school administrators to meet their obligations under the law, and to guide our own staff in identifying compliance problems that may arise."

Select Committee Hearings, August 6, 1970, p. 1753.

7. Pottinger testified:

"The memorandum will probably clear within the Office of General Counsel ... within ten to fifteen days. I can't speak for them directly, but I would say very soon, rather than pin it down to a number of days."

Select Committee Hearings, August 6, 1970, p. 1795.

8. See Appendix D.

9. Press release of Office of Education, December 11, 1970.

10. Monitor after monitor made reports such as "five teachers -- all left for personal reasons," "two teachers left under questionable circumstances," "eight fewer teachers -- no explanation." We have not counted these inconclusive reports as teacher dismissals, although in many instances the missing teachers may have been forced to resign.

11. Developed by the Educational Testing Service of Princeton University.

12. George Fischer of the NEA has pointed out that the test is designed solely to measure a teacher's academic knowledge of subject matter, that it in no way measures qualitative characteristics such as rapport with students, skill in instructional techniques, and other components of good teaching. He concluded that:

> "Requiring a certain score on the National Teachers Examination as the sole criterion for hiring or retaining any teacher is unsound professional practice. The use of periodic evaluation to help identify areas of strength and weakness now in a teacher's academic preparation as a guide to further in-service training in his field is valid but should never be used as a hiring or firing criterion."
>
> Select Committee Hearings, June 16, 1970, p. 1147.

13. Again, these figures probably understate the extent of the problem. School officials interviewed rarely admitted that they had demoted black teachers, and people in the black community often were not aware of the position of black teachers in the system.

APPENDIX A

TEXT OF LETTER TO MR. STANLEY POTTINGER, DIRECTOR, OFFICE FOR CIVIL RIGHTS, HEW, FROM MRS. RUBY MARTIN, WASHINGTON RESEARCH PROJECT, DATED MAY 6, 1970

"As Director of the Office for Civil Rights, it is possible to become so concerned about the "process" of integration that we forget that people are involved -- black as well as white people. During the last few months, I have spent a great deal of time in the South talking to black youngsters and their parents about school desegregation in general, and specifically what we can expect in September, 1970, and 'complete integration.' It is clear to me that with the opening of schools this fall, we can expect problems in integrated schools unlike we have ever experienced. I will be writing to you from time to time bringing some of these problems to your attention, and am outlining one of these problems now, with the hope that your office will take immediate, affirmative and positive actions to prevent at least some of the issues from becoming crises when school opens.

"As you know, your office, and the courts, have accepted a number of desegregation plans which call for the closing of black schools in September, and the assignment of students from these schools to white schools. The problem I wish to raise concerns the nature of the white school when it becomes totally integrated in September. More specifically, is the integrated school to be considered and treated as a new school, a consolidated school, or simply the same white school with black students now assigned to it?

"Black students throughout the South who will be assigned to formerly white schools fear that school officials will consider these schools to be in the latter category, and if their fears are correct they indicate a number of school policies that will discriminate against them because of their race and assignment. For example, in some of the white schools that will be integrated in September, elections for student council officers and members, class officers, cheerleaders, captains of athletic activities, etc., have already been held for the upcoming school year. These elections were conducted despite the fact that the racial composition of the student bodies in the schools will be radically changed in September. The effect of the elections is to prohibit

all black students from any chance of becoming elected to school offices. Such elections have been held even in some white schools that will have a predominantly black student enrollment in September, 1970. In some communities, even PTA officers for the white school have been or will be elected this spring to serve during the 1970-71 school year. While it may be the general policy of these schools to hold such elections at this time, those policies should not be applicable under the circumstances.

"Another example of questions raised which go to the nature of the integrated school concerns policies that apply to "transfer students." Some of these white schools have policies that prohibit transfer students from participating in school activities for one year after their transfer. I am not talking only about football or basketball (because I believe your office already has a policy which governs these activities -- although they, too, should be republished and re-emphasized), but academic and social activities, e.g., the National Honor Society, Science Clubs, Hi-Y Clubs, Glee Clubs, etc., which black students may have already belonged to or participated in, but will be prohibited from participating at the integrated schools if they are treated as 'transfer students.'

"These may sound like insignificant problems to you, but I assure you they are matters of the gravest concern to black youngsters who will be facing the uncertainties and hostilities of an 'integrated' school in September. I call upon you to consider these matters now, and to formulate policies concerning the nature of the integrated school and communicate these policies now in an effort to avert some of the critical problems that your office and this Nation will face in September.

"I will be happy to share my thoughts with you and to assemble a small group of black students who can articulate their concerns to you far better than I can.

"Please let me hear from you."

APPENDIX B

TEXT OF LETTER TO MRS. RUBY MARTIN FROM MR. STANLEY POTTINGER, DATED NOVEMBER 20, 1970

"As school openings unfolded, and new desegregation plans were implemented, the predictions of massive chaos turned out to be wrong. On the contrary, the largest single desegregation effort ever turned out also to be the calmest. Upon completing our plan-implementation reviews a couple of weeks ago, we found that only four of 300 plan districts reneged this fall, a lower absolute number and lower percentage than in any previous year.

"While I am sure that many of our critics of last summer have been surprised by this good news, I hope that they have not been disheartened by it. Since the emotional predictions of chaos and impending failure turned out to have unfounded, we might have ignored these predictions and conducted our on-site reviews at a slower pace, concentrating at an early stage on in-depth evaluations of the in-school discrimination problems presently before us. I think you will agree, however, that it is fair to measure our intentions and our execution in the light of the circumstances existing at the time administrative decisions had to be made, and not simply with the benefit of 20-20 hindsight vision."

APPENDIX C

TASK FORCE STATEMENT ON IN-SCHOOL DISCRIMINATION, FINAL DRAFT
JULY 14, 1970

TO : (All School Districts)

FROM : J. Stanley Pottinger, Director
Office for Civil Rights

SUBJECT: Identification and Elimination of Discrimination in School Operations and Activities

Title VI of the Civil Rights Act of 1964 and Departmental Regulation (45 CFR Part 80) promulgated thereunder, require that there be no discrimination on the basis of race, color, or national origin in the operation of any federally assisted program.

Title VI compliance reviews conducted during the last year have revealed a number of areas, above and beyond the area of the assignment of students to a particular school, in which students have been denied equality of educational opportunity. Any act or acts which have the effect of segregating or otherwise discriminating against students on the basis of race, color or national origin in the operation or activities of any or all school or schools within a school district are prohibited by Title VI.

The purpose of this memorandum is to clarify D/HEW policy on issues concerning the responsibility of school districts to identify and eliminate, at once, any such discriminatory practices. School districts are required to (1) take no action (including acts of omission) the intent or effect of which is to segregate or otherwise discriminate against any students within or without the school district on the basis of race, color or national origin, and (2) take whatever action is necessary to ascertain and fully eliminate any educational practices, social customs or habitual behavior, or other acts on the part of students, administrators, instructional staff, non-instructional staff or any other person which occur during any phase of school operations or activities (including curricular and extra-curricular activities, whether or not conducted on school property or in school facilities) which have the effect of segregating, excluding or otherwise discriminating against any student on the basis of race, color or national origin.

Moreover, without in any way limiting the generality of the foregoing, it is the policy of this Department that Title VI of the Civil Rights Act of 1964 prohibits any act (including but not limited to act, acts of omission, educational practices, social customs or habitual behavior) on the part of students, administrators, instructional and non-instructional staff or other persons, the effect of which is to segregate, exclude or otherwise discriminate against students on the basis of race, color or national origin during any phase of school operations or activities, including but not limited to:

(1) Any act by which students are assigned to (including acts of election by students) any class, classroom, other instructional unit, assembly, bus, team, school sponsored activity or other facility, including but not limited to the seats, lab stations, athletic positions which students occupy within the class (including field trips), classroom, assembly hall, bus, team or instructional unit.

(2) Any oral or written statement, comment, or other reference which is made during any phase of school activities by an administrator, instructional or non-instructional staff member or any oral or written statement which is made by any student or other person during the conduct of any class, other instructional unit or supervised activity which demeans or otherwise deprecates any racial or national origin minority group or any part of its ethno-cultural heritage or environment, including but not limited to the content of instructional, dramatic, musical and audio-visual materials used in any phase of school activities.

(3) Any act during the conduct of any school board meeting, class, classroom, team, other instructional unit or other school or school board function on the part of school board members, students, administrator, instructional and non-instructional staff or any other person, the effect of which is, on the basis of race, color or national origin, to exclude or limit participation in discussion, planning or other activity, including but not limited to: the recognition of students, parents or other persons seeking to speak; the order of recognition; the manner in which communication with students, parents and other members of the community is conducted by members of the school board, administrators instructional and non-instructional staff.

(4) Any act on the part of administrators, instructional personnel or other persons the effect of which is to assign grades or otherwise assess performance of students on the basis of race, color or national origin, or the effect of which is to impose standards for grading or evaluating students, either subjective or objective, the effect of which standard is to discriminate against students on the basis of race, color, or national origin, including but not limited to the inclusion in the grading or evaluation process of (a) subjective assessments of attitudinal behavior which are normed on the behavior of students of another racial group, (b) objective assessments of cognitive development or achievement the behavioral milieu of which (e.g. the testing environment) is less familiar to most students of certain racial or national origin groups than it is to most students of other groups, and (c) "objective" assessments of cognitive development or achievement which contain vocabulary or situational behavior problems which are less familiar to most students of certain racial or national origin groups than they are to most students of other groups.

(5) Any act related to the use of any school facility or any seat, table, or area in any school facility, which students occupy or use during any phase of school operations or activities, including but not limited to: buses; lockers; showers; restrooms; playgrounds; athletic fields; and including seats; tables; or areas in buses, cafeterias, libraries, study halls, locker rooms, playgrounds or other athletic facilities, or any acts related to the availability or distribution of any supplies, textbooks or other instructional materials.

(6) Any act related to the operation of any extra-curricular organization or activity, such as clubs, social or fraternal organizations, athletic teams, honor societies, student government organization, including but not limited to acts related to: eligibility for membership and election to positions (eligibility for membership, participation or election as referred to in Section 6,7,8, and 9 of this memorandum cannot be conditioned upon prior attendance of students at a school which they are not attending and to which they were assigned or elected to attend pursuant to a plan of desegregation.); selection of members and officers (students may not be excluded from participation in the selection process referred to in Sections 6,7,8, and 9 of this memorandum because they did not previously attend the school which they are currently attending and to which they have been assigned pursuant to a plan of desegregation; nor may the selection process be changed so as to exclude such students from participation therein); assignments

of positions and responsibilities; operation of social activities; use of organization facilities; specifically including as regards athletic organization and events; acts related to the eligibility; selection and substitution of players and team captains; granting of athletic awards; assignment of lockers; showers and equipment; display of previous athletic awards (including those of schools which were operated as part of a dual school system and are no longer operating or which are currently operating at different grade levels; seating and operation of facilities during athletic events wherever held; and specifically including as regards honor societies or other organizations whose membership is based on academic performance or standing; acts relating to evaluation of previous academic performance or conversion of grading scales) and selection of members and officers. (Any decision to postpone or cancel any extracurricular activity or to abolish any organization constitutes a discriminatory act if such decision is in fact based in part on the alleged undesirability of the desegregation of such activity or organization.)

(7) Any act related to the eligibility of students for and the selection of students as cheerleaders; pom-pom girls; band members; class and student body officers, and the selection of school color, mascots, emblems and songs, including but not limited to; the selection or continued use of colors, mascots and songs related to the Confederate State of America, procedures by which school colors, mascots, emblems and songs are selected (secondary schools to which students have been assigned pursuant to a plan of desegregation from other secondary schools within the district which are being closed or are currently operating at different grade levels must allow the new student body, as a whole, to select school colors, mascots, emblems and songs); acts related to the posting of class pictures, awards or mementos (including those of classes in schools which were operated as part of a dual school system and are no longer operating or which are currently operating at different grade levels.) (Any decision to postpone or cancel any of such selections or to abolish any of the positions which were to be selected constitutes a discriminatory act if such decision is in fact based in part on the alleged undesirability of the race of a person to be selected or likely to be selected.)

(8) Any act related to the conduct of any school sponsored or supported social event or activity, such as graduation ceremonies, dances, carnivals, fairs, picnics, including but not limited to acts related to: eligibility for attendance; selection and invitation; location and conduct of the event or activity. (Any decision to postpone, cancel or abolish any school sponsored or supported social event or activity constitutes a discriminatory act if it is in fact based in part on the undesirability of desegregation of such social event or activity.)

(9) Any act related to the conduct or operation of any curricular or extracurricular dramatic or musical production or performance including but not limited to: the selection of artistic material which demeans or otherwise deprecates any racial or national origin group to which students in the school system belong or any part of its ethno-cultural heritage or environment; acts related to eligibility for participation; selection of participants; assignment of roles; seating and operation of all facilities at the production or performance wherever held. (Any decision to postpone, cancel or abolish any curricular or extracurricular dramatic or musical production or performance constitutes a discriminatory act if it is in fact based in part on the alleged undesirability of the desegregation of such production or performance.)

(10) Any acts of guidance counselors and other school officials, such as those which relate to the advising of students as to educational and vocational planning; the operation of co-operative programs between the school and employers; the scheduling of and the conduct of interviews between students and representatives of higher education institutions and potential employers (including the admissions policies or employment practices of such institutions or potential employers); the preparation, use and availability of transcripts and other student records; the availability of career planning information.

(11) Any act of school administrators or other responsible persons relating to the discipline of students (including expulsion and suspension) including but not limited to: acts, the effect of which is to deny to any student, on the basis of race, color or national origin, notice of those actions which constitute prescribed conduct; an opportunity for and the conduct of a fair hearing; punishment equal to that given other students with equivalent disciplinary background determined to have violated the same rule or regulation; participation in student rule formulation; and including any act of formulation or enforcement of rules or regulations the effect of which is

in fact to discriminate against any student or students on the basis of race, color or national origin. (Any student dress or grooming code which is in fact only enforced or enforceable against students of a racial or national origin minority group or groups is discriminatory.)

(12) Any act which denies participation in any phase of school activities, curricular or extracurricular, to students or their parents on the basis of race, color or national origin, including but not limited to the imposing of economic burdens (in addition to general taxation) on students or parents in the form of tuition, costs of instructional materials, fees for school services, costs of admission to extracurricular activities, etc.; the effect of which imposition is to effectively exclude from or significantly reduce the participation of students or their parents in such activities on the basis of race, color or national origin.

APPENDIX D

DRAFT OF STATEMENT OF POLICY ON FACULTY DISCRIMINATION,
PREPARED BY OFFICE FOR CIVIL RIGHTS
(PUBLISHED BY SENATE SELECT COMMITTEE ON EQUAL
EDUCATIONAL OPPORTUNITY, AS PART OF
June 16, 1970 HEARINGS)

Many school districts are now or will in the near future convert to a unitary school system. The reassignment and reorganization of faculties in a non-discriminatory fashion is crucial to any such conversion and this phase of desegregation requires a great deal of planning and attention on the part of school administrators. The goal of such reorganization should be the achievement at each school of a ratio of White and Negro faculty members which approximates the ratio of White and Negro faculty throughout the school system.

Section 10 of the Department's "Policies on Elementary and Secondary School Compliance with Title VI of the Civil Rights Act of 1964" provides generally that school systems shall not discriminate on the ground of race color or national origin in their professional staffing policies and practices, and shall rectify the effects of past discrimination in this area. Section 10 also contains the following specific provision:

> If, as a result of a program for complying with Title VI, there is to be a reduction in the total professional staff of a school system, or professional staff members are to receive assignments of lower status or pay, the staff members to be released or demoted must be selected from all the school system's professional staff members without regard to race, color, or national origin and on the basis of objective and reasonable standards.

Dismissals should be infrequent because, even where a school district finds that the size of its staff should be reduced, the reduction usually can be accomplished through normal requirements and retirements. Where, however dismissal or demotion is necessary such action shall be carried out in accordance with the above quoted provision of Section 10. In addition, no staff vacancy may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed

to accept an offer to do so.

Prior to such a reduction, the school board will develop or require the development of non-racial objective criteria to be used in selecting the staff member who is to be dismissed or demoted.* These criteria shall be available for public inspection and shall be retained by the school district. The school district also shall record and preserve the evaluation of staff members under the criteria. Such evaluation shall be made available upon request to the dismissed or demoted employee. Whether or not certification and experience qualify a dismissed teacher for a vacancy should be determined in accordance with the standards of qualification generally applied within the school system, and which have been applied in past school consolidations in the district, if any. Where there is a reduction in the number of minority group staff members coincident with the desegregation process, the school system must demonstrate that such reduction occurred without discrimination on the ground of race, color, or national origin. Moreover, as suggested above, staff members demoted as a result of the desegregation process, shall have the same rights and be considered as in the same position as dismissed teachers.

In order to carry out these requirements, and in view of the importance of faculty desegregation to student desegregation, the Department is announcing these new procedures to deal with professional staffing. In addition, the Health, Education and Welfare, Office for Civil Rights will shortly embark on a detailed examination of the statistics in our possession, indicating faculty composition of school districts desegregating since the Civil Rights Act of 1964, in order to determine whether there have been school districts which may have discriminated in staffing policies as they progressed toward desegregated school systems. Where there has been a decrease in the proportion of minority group faculty members we shall contact the school district and it must demonstrate an absence of discrimination in professional staffing. Where a district does not make a clear and convincing showing of nondiscrimination appropriate action will be taken. And, of course, we will endeavor to assure that in the future all school districts apply non-discriminatory policies and practices.

A. Each plan of desegregation developed, hereafter, by the Division of Equal Educational Opportunities of the Office of Education, and each plan hereafter presented to the Office for Civil Rights, shall contain detailed information as to the manner in which the school district

will reassign and reorganize its faculty pursuant to that plan. Specifically the following shall be included in the plan:

1. The number and race of the full-time and part-time classroom teachers at each school, and at each grade level, at present and as anticipated after implementation of the plan.

2. A list of the administrators in the school system (including but not limited to principals and assistant principals and their races and positions, at present and after implementation of the plan.

3. If the above information indicates a reduction in the number of minority teachers or administrators, or if there are to be demotions of minority teachers or administrators, the following information shall be a part of the plan:

a. The number of minority group faculty members to be dismissed and/or demoted and the reasons for such actions.

b. Where a dismissal or demotion will result from a staff reduction on change in staff assignments, or for reasons other than cause, comparative qualifications shall be presented for the dismissed or demoted faculty members with respect to at least the following standards: educational background, teaching experience and certification. With respect to all non-minority faculty members who are less qualified by any one of the enumerated standards, the school district shall indicate his or her qualification with respect to at least these standards, and the position held by that faculty member. Furthermore, the school system shall indicate whether minority teachers dismissed as a result of staff reductions have been offered first preference for future vacancies for which they are qualified, and if not why not, and if so for what type of position.

c. The number of non-minority faculty members to be dismissed or demoted, and the reasons for such actions, as well as the number of non-minority faculty members who are expected to leave the school system for other reasons.

d. The number of minority faculty members who are expected to leave the school system for reasons other than not being offered re-employment. The school district should indicate why they have left or are expected to leave (with any supporting documentation which might be available to it), as well as the nature of the position

offered to each of these individuals for the school year in which the desegregation plan is to be implemented, and the nature of the position each now holds.

e. Where the dismissals or demotions will occur as a result of an overall reduction in professional staff, or from abolition of certain positions, the system shall indicate whether it has undertaken any school consolidations within the past 25 years and what policies and practices it has followed in those consolidations with respect to teachers and administrators.

f. The number and nature of the vacancies or new positions on its faculty (including administrators) which the school system knows or anticipates will occur for the school year in which the desegregation plan is to be implemented, as well as the methods by which applications for those vacancies will be sought and the criteria which will be applied in judging applications for these vacancies or new positions. (The above should be construed to apply retroactively to any positions or vacancies for which new teachers have already been hired for the school year in which the desegregation plan is to be implemented. In the case of such already-filled positions, the school district shall also indicate the number, positions, and race of the new teachers, or administrators.)

4. The new methods by which it will seek applications for teaching and administrative vacancies and the objective criteria which will be applied in judging applications for teaching and administrative positions.

5. A provision that if for any of the three (?) school years subsequent to the final implementation of the desegregation plan of the school district, there is to be a reduction in the number of minority teachers or administrators, or if minority teachers or administrators, are to be demoted, then by March 15 prior to the school year in which such action is to take place the school district shall supply to the Office for Civil Rights the information requested in paragraphs 3a through 3e above. (For the purpose of supplying the information called for in this paragraph, when the "school year in which the desegregation plan is to be implemented" is referred to in paragraphs 3a through 3e, the term "school year in which dismissals or demotions are to take effect" should be substituted.)

B. School systems from which acceptable desegregation plans have been received but which have not yet fully implemented their plans, shall amend their plans within 30 days of the date of this letter. Such amendment shall be in three parts. One part shall meet the provisions of paragraphs

one and two (outlined above) as to those parts of the system in which, the plan has not yet been implemented, and shall supply the information requested in paragraph three, when applicable. The second part shall meet the provisions of paragraphs 4 and 5, and the third part shall provide the type of information requested in paragraph five for the 1969-70 school year, if applicable, as to those parts of the school system for which the school district has already implemented its desegregation plan.

C. With respect to all school districts which have completely eliminated dual school systems as of the 1967-68 school year or thereafter, they should supply the information requested in paragraphs 5 on pages 9 and 10 above, if applicable. This information shall be supplied for future school years, which are not more than three years subsequent to year in which complete desegregation of the school district took place.

---

*"Demotion" as used above includes any reassignment (1) under which the staff member receives less pay or has less responsibility than under the assignments he held previously, (2) which requires a lesser degree of skill than did the assignment he held previously, or (3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonably current period. In general and depending upon the subject matter involved, five years is such a reasonable period.